

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary
3 Spring Roads, Beginning at 9:30 a.m., on February 24, 1998.

4
5 Members Present: Mr. C. W. Archer, C.P.C., Chairman (Fairfield)
6 Ms. Elizabeth G. Dwyer, C.P.C., Vice Chairman
7 (Tuckahoe)
8 Mr. David A. Zehler, C.P.C. (Varina)
9 Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
10 Mrs. Mary L. Wade (Three Chopt)
11 Mr. James B. Donati, Jr., Board of Supervisors
12 Representative, (Varina)

13
14 Others Present: Mr. Randall R. Silber, Secretary,
15 (Acting Director of Planning)
16 Mr. David D. O'Kelly, Jr., Principal Planner
17 Mr. James P. Strauss, CLA, County Planner
18 Mr. E. J. (Ted) McGarry, III, County Planner
19 Mr. Kevin D. Wilhite, C.P.C., County Planner
20 Mr. Kevin D. Wilhite, County Planner
21 Mr. Mikel Whitney, County Planner
22 Mr. Leslie A. News, CLA, County Planner
23 Mr. R. Kirby Smith, Drafting Technician
24 Mr. Robert J. Eagle, Associates County Planner
25 Mr. L. Jerry Peay, Planning Technician
26 Mr. Todd Eure, Assistant Traffic Engineer
27 Ms. Diana B. Carver, Recording Secretary
28 Mrs. L. B. Ann Cleary, Office Assistant
29

30 Mr. Archer - Good morning. Welcome to our monthly POD meeting. We have quite a
31 few cases today. I'll turn the meeting over to our Secretary, Mr. Randall Silber.

32
33 Mr. Silber - Thank you, Mr. Chairman. Welcome folks. We do have all members of
34 the Planning Commission present with the exception of Mr. Donati, and I believe he will be here
35 later in the meeting. This will be the last meeting in this room. The Board Room, that is under
36 construction or being renovation, is nearing completion. We will hold our next Planning
37 Commission meeting, in March, in our new facility. So, we look forward to that. We appreciate
38 you putting up with the accommodations. The first item of business would be the request for
39 deferrals and withdrawals. Mr. Wilhite.

40
41 Mr. Wilhite - Good morning, Mr. Chairman, Commission members, ladies and
42 gentlemen. Staff at this time is aware of three requests for deferrals. The first one appears on
43 Page 7 of your agenda.

44 **PLAN OF DEVELOPMENT**

45

POD-14-98
Grove Avenue
Baptist Church
Addition
(PODs-46-75, 82-
78, 94-79, 68-81
and 20-91 Revised)

Scott Courtney, P.E. for Grove Avenue Baptist Church: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 41,790 square foot worship hall, a three-story, 21,674 square foot education wing and a two-story, 7,002 square foot administration addition. The 9.69 acre site is located on the corner of Parham and Ridge Roads on parcels 100-A-52 and 100-A-51. The zoning is A-1, Agricultural District and R-3, One-Family Residence District. County water and sewer. **(Tuckahoe)**

46

47 Mr. Wilhite - The applicant is requesting a deferral to your March 24, 1998, hearing.

48

49 Mr. Archer - Is there anyone in the audience in opposition to the deferral of POD-14-98,
50 Grove Avenue Baptist Church Addition? No opposition. We are ready for a motion.

51

52 Ms. Dwyer - Mr. Chairman I move that we defer POD-14-98, Grove Avenue Baptist
53 Church to our March 24, 1998, POD meeting, at the applicant's request.

54

55 Mr. Vanarsdall - Second.

56

57 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall. All
58 in favor say aye...all opposed say nay. The motion passes.

59

60 At the request of the applicant, the Planning Commission deferred POD-14-98, Grove Avenue
61 Baptist Church Addition (PODs-46-75, 82-78, 94-79, 68-81 and 20-91 Revised), to its meeting
62 on March 24 1998. Mr. Donati was absent.

63

64 **PLAN OF DEVELOPMENT**

POD-115-97
Huguenot Crossing
Shopping Center

Jordan Consulting Engineers, P.C. for M. A. Carneal and W.T.P., LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 30,000 ± square foot shopping center. The 3.84 acre site is located on the south side of Huguenot Road (State Route 147) on parcel 126-A-8. The zoning is B-1, Business District. County water and sewer. **(Tuckahoe)**

65

66 Mr. Wilhite - The applicant is requesting a deferral to your May 26, 1998, hearing.

67

68 Mr. Archer - Is there anyone in the audience in opposition to the deferral of POD-115-
69 97, Huguenot Crossing Shopping Center to the May 26, 1998, agenda? No opposition. Is there a
70 motion?

71
72 Ms. Dwyer - Mr. Chairman, I move deferral of POD-115-97 to our May 26, 1998,
73 meeting, at the applicant's request.

74
75 Mr. Vanarsdall - Second.

76
77 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall. All
78 in favor say aye...all opposed say nay. The motion passes.

79
80 At the request of the applicant, the Planning Commission deferred POD-115-97, Huguenot
81 Crossing Shopping Center, to its meeting on May 26,1998. Mr. Donati arrived at this time.

82
83 **LANDSCAPE PLAN (Deferred from the January 27, 1998, Meeting)**

LP/POD-55-95
Villa Park III
James River Nurseries: Request for approval of a landscape, as
required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico
County Code. The 9.03 acre site is located on the south line of Villa
Park Drive approximately 2,000 feet west of Brook Road (U.S. Route 1)
on parcel 62-11-B-1F. The zoning is O/SC, Office Service District
(Conditional). **(Brookland)**

84
85 Mr. Wilhite - The applicant is requesting a deferral to your March 24, 1998, hearing.

86
87 Mr. Archer - Is there anyone in the audience in opposition to the deferral of LP/POD-
88 55-95, Villa Park III, landscape plan to the March 24, 1998, meeting? We have opposition.

89
90 Ms. Miller - We come over here month, after month, after month.

91
92 Mr. Archer - Ma'am, would you mind coming over to the mike and identifying yourself?

93
94 Ms. Miller - My name is Jane Miller and I live very close to this development. We have
95 been coming over here month after month after month and they keep deferring it. Can we have a
96 good reason for the deferral?

97
98 Mr. Vanarsdall - Mr. Chairman, I would like to answer that. Ms. Miller, I know what you
99 have been through from day one, and we have been through about the same thing in Planning and
100 the Planning Commission. This is supposed to be the last deferral. Quite, frankly, we deferred it
101 last month, the applicant deferred it last month. We didn't make much progress between last
102 month and today.

103 Ms. Miller - What was the reason for the deferral?

104
105 Mr. Vanarsdall - Do you mean from last month?

106
107 Ms. Miller - I mean, what is taking so long to get this resolved?

108
109 Mr. Vanarsdall - I'm going to have Ms. News, who is handling the case, tell you about that.
110 Ms. News, would you just briefly tell us what happened?
111
112 Ms. News - The plans that were submitted on this project, we felt were not adequate to
113 provide the amount of screening that is needed by this project. We asked the applicant to go back
114 and prepare some site lines and some revised plans which would address the screening issues of
115 the loading area to the residential area. We didn't have enough information to review the project
116 right now, so we asked them to look at it again and come back next month with a proposal.
117
118 Mr. Vanarsdall - Ms. Miller, Ms. News even had Mr. Hinson, who is one of the County
119 Manager Deputies, who is in charge of this part of the County, we've even had him in on it to
120 walk the area and look at it.
121
122 Ms. Miller - Is there any way the residents adjacent to the back of this project could
123 have some input into this, or do we have to wait?
124
125 Mr. Vanarsdall - I don't see any reason why you can't.
126
127 Ms. Miller - How do we go about doing that?
128
129 Ms. News - I can contact you when we have a proposal in here.
130
131 Mr. Vanarsdall - Ms. Miller, you can give Ms. News your name and phone number and then
132 she will take care of it.
133
134 Ms. Miller - Okay. Thank you.
135
136 Mr. Archer - Thank you, Ms. Miller. If there are no further questions or opposition, I'll
137 entertain a motion.
138
139 Mr. Vanarsdall - I move that LP/POD-55-95, Villa Park III, be deferred until our March 24,
140 1998, at the applicant's request.
141
142 Mr. Zehler - Second.
143 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler. All
144 in favor say aye...all opposed say nay. The motion passes.
145
146 At the request of the applicant, the Planning Commission deferred LP/POD-55-95, Villa Park III,
147 to its meeting on March 24, 1998.
148
149 Mr. Wilhite - Mr. Chairman, we've just received another request for deferral. This one is
150 on Page 19 of your agenda.
151

152 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

POD-23-98
Spin Cycle –
Laburnum Avenue

D. A. Bryant, P.C. for Louise M. Ursy and Spincycle, Inc.: Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a one-story, 3,520 square foot laundromat. The 0.52 acre site is located on the south side of Laburnum Avenue, 200 feet west of Richmond-Henrico Turnpike on parcels 106-10-1-13 thru 23. The zoning is B-2, Business District. County water and sewer. **(Fairfield)**

153
154 Mr. Archer - Is there anyone in the audience in opposition to the deferral of POD-23-98,
155 Spin Cycle – Laburnum Avenue, to March 24, 1998? Hearing none, I move the deferral of POD-
156 23-98, Spin Cycle, to the March 24, 1998, meeting at the applicant’s request.

157
158 Mr. Vanarsdall - Second.

159
160 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All
161 in favor say aye...all opposed say nay. The motion passes.

162
163 At the request of the applicant, the Planning Commission deferred POD-23-98, Spin Cycle –
164 Laburnum Avenue, to its meeting on March 24, 1998.

165
166 Mr. Archer - All right. Mr. Secretary.

167
168 Mr. Silber - Okay. The first item of business is a public hearing on the County’s
169 preparation of an O/S2 zoning district. The Planning Commission has held several work sessions
170 on this item and this is a public hearing this morning on the proposed recommendation of Office
171 Service District. Ms. Nancy Gardner is here to present the latest changes.

172
173 Mr. Archer - All right. Ms. Gardner.

174 **PUBLIC HEARING: Zoning Ordinance Amendment for the O/S2, Office Service District**
175

176 Ms. Gardner - Good morning. I have several additional copies. In your packet this
177 morning you received a clean copy. At the February Rezoning Hearing, you received a black
178 lined copy emphasizing the changes from the January Work Session. What I would like to do is
179 summarize O/S2 in general and then I will go into the changes we made since the January Work
180 Session to get us where we are now. If anyone needs an extra copy of those, I have them here
181 with me.

182
183 The Office Service 2 district was initiated last summer in order to provide another alternative to
184 get a high-quality mixed use type of development in the County. It was intended to be very
185 similar to the Office Service District but providing more flexibility. The Planning Commission has
186 had several work sessions on the O/S2 District. I think we have gotten to a point where we do
187 provide a high-quality development standard while providing more flexibility. Going through the
188 district, first in the purpose, I would like to read just a portion of the purpose to you to emphasize
189 how this differs from the Office Service District. Towards the end of that paragraph; “This
190 district is intended to accommodate a mixture of uses predominantly light industrial in nature.
191 This district is best suited to accommodate high technology uses that are similar in function to
192 light industrial uses but closer in impact to office uses.” This is what we strive to do with this
193 district, which is to allow those uses which we have traditionally characterized as light industrial
194 and therefore only allowed in the M-1 District, but actually only have an impact more closely
195 related to an office, a typical office use.

196
197 Minimum district area for the district will be 10 acres. By contrast the Office Service District
198 requires a minimum of 20 acres. It was discussed by the Planning Commission that this would
199 allow more properties to qualify. Covenants will be required on the property as they are required
200 now for the Office Service District. The uses permitted include all of those uses allowed in the
201 Office Service District and all uses allowed in the O-3 District. There is also one use, and I will
202 point you to use M-I, light manufacturing, compounding or assembly uses that do not require
203 outdoor operations. This, as such, is only allowed in the M-1 District. But, unlike in the M-1
204 District, any uses would be subject to the development standards of the O/S2, which I will get to
205 in a moment. Now, of course, the current O/S District does allow some light manufacturing and
206 it calls out specifically what type of things could be manufactured. This allows light
207 manufacturing, compounding or assembly, in general, subject to those development standards.

208
209 The development standards of O/S2, of course, are very similar to those of the Office Service
210 District. The landscaping and buffering, the transitional buffer, is the same for the Office Service
211 District. Development will have to connect to public water and sewer. Utility lines will have to
212 be underground. Exterior lighting will be limited to 20 feet in height. Now, I’m looking at, on
213 Page 4, the loading areas. As in the Office Service, we require interior courtyards. However, we
214 add additional restrictions to make absolutely clear what we are looking for here. So, in this way
215 I believe the O/S2 is more restrictive than the Office Service. The interior courtyard has to
216 bounded on three sides by permanent structures or the Planning Commission can approve a berm

217 or evergreen for up to two of those sides. In addition, an existing building can serve to screen the
218 interior courtyard, but only in an existing building, not a future building.

219
220 Another way that O/S2 is more restrictive than Office Service, Item H, Outdoor Equipment. All
221 outdoor equipment, including rooftop equipment, must be screened from public view. The Office
222 Service District only requires the screening of rooftop equipment. Often, the heating ventilation
223 and air conditioning equipment is installed on the ground, so that would have to be screened as
224 well. Item I is also new. The Office Service District does not allow fleet parking. However, we
225 will allow fleet parking here but only in particular circumstances. That is, when it's not visible
226 from any agricultural or residential district or when it's not visible from any public street right-of-
227 way. Also, it can not be closer to any street public right-of-way than the front line of the principal
228 building. So, you see, the fleet parking of any vehicle, no matter the weight, will be allowed only
229 in those very limited circumstances. Outdoor uses can only take place within an enclosed building
230 except as allowed by a provisional use permit. Uses can not endanger the health, safety, and
231 welfare or have any material adverse impact. We have also added a limitation on sound impact.
232 Any uses cannot be audible at the property line adjacent to agricultural or residential properties.
233 That includes the idling of trucks. On Item M, retail uses are allowed up to 20% of a building at
234 least 10,000 square feet. This contrasts, with the Office Service District which allowed up to
235 20% of any building at least 50,000 square feet. Item N, this precludes outside speakers. This
236 limitation is not set in the Office Service District. The area yard and height regulations are for the
237 most part the same as the Office Service District. The new item is our maximum height. As we
238 discussed at a work session, we can not set a special exception for maximum height. What we
239 have done is come up with criteria where the Planning Commission can allow a taller building.
240 You will see us come back in the months to come, in all likelihood, with changes to other districts
241 that's very similar to this. That is, to establish criteria where we can allow taller buildings. That
242 summarizes the O/S2 District.

243
244 I would like to take just a moment to talk about the changes we made, since the January work
245 session, as of a result of issues raised at that work session. There were minor language
246 modifications made. There was a question raised about the parking of trucks over 5000 pounds.
247 The use of the 5000 pounds as a cut off was questioned. However, on further reflection, we
248 thought it would be appropriate to restrict any commercial vehicles, so we did away with any
249 consideration of weight. There was also a minor modification to the interior courtyard regulation
250 to make it exclusive when another building can serve to screen. That seemed like a practical
251 matter. Intercoms were allowed, although outside speakers are not. Finally, the height restriction
252 that I just spoke of was added since the January Work Session. Those are the changes that we've
253 made. I believe that we responded to all of the comments that we have received on it. And I'd be
254 happy to take any questions on it.

255
256 Mr. Archer - Thank you, Ms. Gardner. Are there any questions of Ms. Gardner by the
257 Commission members?

258 Mr. Zehler - Nancy did we do any discussion as far as the front yard setback? I have a
259 concern with that. I know of a couple of instances we've had in Varina with putting the larger
260 three-story buildings within 40 feet. That doesn't bother me as much as they are doing 165,000

261 square feet. When you do a 100-foot building, 40 feet from the road, you get the, I call it, the
262 prison wall effect. I personally have a problem with that, and I would recommend that we
263 entertain the thought of maybe moving that back to a 75-foot minimum, on the front yard.

264
265 Ms. Gardner - Are you saying for all structures or just for tall structures?
266

267 Mr. Zehler - Well, I really hadn't considered it.
268

269 Mr. Silber - Right now, Mr. Zehler, it is 40 feet and that would be for all structures. I
270 think, typically, in an office development, 40 feet is what is normally expected. If you go up with
271 a taller building there could be greater setbacks, perhaps recommended here. But, I believe 40
272 feet is fairly standard for our office districts.
273

274 Ms. Dwyer - When you say taller building, do you mean greater than three stories, or
275 greater than two stories?
276

277 Mr. Silber - If he had a concern with the taller building, then, in this case, language
278 could be added that would require greater setbacks with taller buildings.
279

280 Ms. Dwyer - This is not really office, and I wanted to ask a question too about, I
281 thought we were going to rename it. It's still O/S2. This does allow this industrial component.
282 In fact, it allows 100% industrial in this district. So, I think we have to be mindful that this is not
283 necessarily going to be an office development. It could be a light industrial development. And,
284 also, think in terms of what impact that might have on it.
285

286 Mrs. Wade - It's industrial with retail, actually.
287

288 Mr. Silber - That is true. Typically, you do not have the industrial users or the retail
289 users going up above three stories. Typically, the taller buildings are office type buildings, but it
290 is feasible and it is permitted.
291

292 Mr. Zehler- We had that happened to us on Audubon. They put a 120-foot building
293 and the minimum setback I believe in the M-2 or M-1 was 50 feet and they put it right on the
294 minimum. And it does give the prison wall effect. It's close to the road. By the time they screen
295 it, they are almost in the road. They went the maximum height, which was 45 feet. I hadn't
296 entertained the thought maybe it was a two-story building versus the 45 feet. We might want to
297 entertain the thought that if they do hit the maximum height then they will have to go back an
298 additional 30 or 35 feet.
299

300 Mr. Silber - I think there are some provisions in the Code that speak to greater setbacks
301 for each foot above a certain height. You could impose, say, anything taller than 45 feet, for
302 example, has got to be one foot setback for each height, for each foot in height for the building.
303 Something along those lines.
304

305 Ms. Gardner - If I could read that section, this refers to 24-94.1, which reads, “The
306 building may exceed a height in excess of 45 feet but not more than eight stories. For buildings in
307 excess of 45 feet in height, interior side and rear yard setbacks shall be increased over that
308 required for 45-foot buildings by 6 feet for additional 10 feet of height or any portion thereof over
309 45 feet.” So, if you had a 55-foot building, the setback would be increased by six feet. But, if
310 you would like for us to explore it for further setbacks, then certainly that could be done.

311
312 Mr. Zehler - I think a 45-foot building 40 feet from the road is still too close.

313
314 Ms. Dwyer - Also, the sideyards may be eliminated in this case. Is that true even if the
315 sideyard is along a roadway?

316
317 Ms. Gardner - I’m not sure I follow you.

318
319 Ms. Dwyer - I’m looking at 50.34, 24-50.34(f). It permits the elimination of minimum
320 side and rear yards. Oh. Except for when it joins a public street. Okay that answers that
321 question. You could eliminate the entire sideyard as long as you provided that 20 feet somewhere
322 else.

323
324 Ms. Gardner - Right. That area elsewhere.

325
326 Mrs. Wade - Actually, I’d rather see 25 feet in front with landscape and buffering and
327 stuff instead of 20 elsewhere, for a project like this. But, as Ms. Dwyer, said originally.... What
328 are we calling this now? We thought after last time that it was going to be.... In fact on the
329 February sheet, you said you were carrying the MOS....

330
331 Ms. Gardner - Right. I’m glad that you brought that up. I did not mention that and I
332 should have. We are going to carry forward the recommendation to the Board of Supervisors
333 that it be called MOS, Industrial Office Service. The reason we are keeping it OS/2 is because the
334 Board told us to write an O/S2. I don’t want to sound like I’m splitting hairs, but they asked us
335 for an O/S2, so we will carry it forward with your recommendation however that we rename it.

336
337 Mr. Vanarsdall - As I said in a previous meeting, we are putting an “M” back where we got
338 rid of an O/S.

339
340 Mrs. Wade - So, it doesn’t have to be any office at all. Are the O-3 sign requirements
341 before you?

342 Ms. Gardner - The sign regulations will be the same as for the O-3. The main difference
343 between that and the O/S signs is that it allows individual project signs.

344
345 Mrs. Wade - On Page 4, No. 2. BMP’s are allowed, structures aren’t. We are now
346 distinguishing in the POD process, I thought, between BMPs and drainage structures are not
347 necessarily used synonymously.

348

349 Mr. Silber - That's correct. Where's the reference in this case, Mary?
350
351 Mrs. Wade - It's on page 4, number 2 at the top. It says: Structures, parking and
352 driveways shall not be permitted. Does that refer to drainage structures but not BMPs?
353
354 Ms. Gardner - We talked about that and we discussed that BMP was not a structure.
355 That would not preclude BMPs.
356
357 Mrs. Wade - That's what I understood. But, it will preclude any other kind of drainage
358 structure. A retention pond and a BMP are not necessarily the same thing, unless I missed
359 something here.
360
361 Mr. Silber - Correct me if I'm wrong, Nancy, but I don't think this would preclude a
362 BMP and I don't think it preclude a retention basin. We are speaking of a buffer here that will
363 not allow structures such as buildings, parking, driveways etc. Retention basins or BMPs will
364 not be precluded.
365
366 Mr. Archer - Did that answer your question, Mrs. Wade?
367
368 Mrs. Wade - I guess the only other question I have about that one. Will the buffer area
369 be increased by the area of the easement, if the easement is perpendicular, you know, meeting
370 that? You know, if you take x number of feet crosswise to compensate someplace else in the
371 buffer for that perpendicular encroachment?
372
373 Ms. Gardner - A perpendicular encroachment I would take it to mean that it would, unless
374 by standard we typically don't. That would be the way I would read it, even though it is even
375 perpendicular that we do count that, yes.
376
377 Mrs. Wade - You'd have those other feet someplace else in the buffer.
378
379 Mr. Archer - Ms. Gardner, under Item I, Page 5. Parking of commercial vehicles may
380 not be visible from any "A" or "R" district or any public right-of-way. It may not be closer to the
381 public right-of-way than the frontline of the principal building.
382
383 Ms. Gardner - Right.
384
385 Mr. Archer - Does that contemplate us having a definition of a commercial vehicle? Is
386 that mentioned somewhere? You did mention that we took away the 5000-pound restriction
387 language. So, how would actually define a commercial vehicle for that purpose.
388
389 Ms. Gardner - Well, the Department of Motor Vehicles licenses vehicles as being
390 commercial. As a practical matter, from the enforcement standpoint since we will not check
391 registration in dashboards, I think that that would be any vehicle with a logo on the side and
392 obviously any truck larger than the standard pickup truck, would count as a commercial vehicle.

393
394 Mr. Archer - I was more concerned about vehicles that might follow that gray area that's
395 difficult to identify instead of those that are readily identifiable. Thank you.
396
397 Mrs. Wade - There are two items of grammar in here. I know that splitting infinitives
398 are no longer out, supposedly, but on the top of Page 3 you have "Designed to principally serve
399 employees and employers." I think it would be more accurately to say "To serve principally
400 employees and employers."
401
402 Ms. Gardner - Oh. Reverse the order of principally and serve. Okay. That's a very good
403 point.
404
405 Mrs. Wade - Not only does it sound better, but it would be a little bit more accurate
406 there. On Page 5, under K, the last total sentence there, "Glare or other negative material
407 impacts" say "material negative impacts."
408
409 Ms. Gardner - Sure.
410
411 Mr. Donati - How do you control those retail uses, to serve just the people within that
412 development?
413
414 Ms. Gardner - Well, it's not a failsafe. What we would do is to make sure that it is a type
415 of use that would only serve the project. That is, it would have a customer area that is reasonably
416 within the project. For instance, the cafeteria, a card shop, a stationery store.
417
418 Mr. Donati - I can think of one that comes to mind. The one at the Byrd Center at
419 Laburnum Avenue and Charles City Road. There is a little deli there called Dagwood's Deli and
420 that was put in there to principally serve that industrial park, but everybody in the entire area uses
421 it because it's a good place to eat. And what happens, is that the parking spaces that are limited
422 for the industrial use there are not great enough to serve the public that is using that particular
423 restaurant. So, how would you account for all of that, the parking spaces?
424
425 Ms. Gardner - That's a very good point because we can't restrict people from coming in
426 from using, for instance, a restaurant. However, we do not allow them separate signs. If they
427 were to advertise, we might take a dim view on that. From the enforcement standpoint, that's a
428 little more difficult. But, I think that's the kinds of measures we'd be looking for.
429
430 Mrs. Wade - In O-3, they can't have outside entrances. It seems to me, one of the
431 categories, outside entrances are not allowed.
432
433 Ms. Gardner - In the O-3 District, I'm not sure about that.
434

435 Mr. Silber - Mary, that's how we have attempted to control retail and even Office
436 Service Districts, we have attempted to not have them have their own access signage or any
437 orientation to the outside. I think the same is true in our Office District as well.
438

439 Mrs. Wade - As Mr. Donati said, you've got it out there in the front of it.
440

441 Ms. Dwyer - Maybe we should be explicit about that here, then, and eliminate outside.
442 If that's the way we enforce it should we be specific about that.
443

444 Mr. Silber - We could do it that way. I'm not aware that it's a huge problem.
445

446 Ms. Dwyer - Well, I have a question about that paragraph two, on the retail. It says,
447 "Retail uses within O/S2 should be designed to principally serve employees and employers of the
448 project area." Now, I wondered if the County Attorney had any comments about the word
449 "should be," because it seems to me that's precatory and you know it would be nice if you did
450 that but it's obvious that you don't have to. And I wonder what the value is of having that kind
451 of language in here. Either you require it or you don't and if it's a nice idea, then maybe we
452 shouldn't have it in there. If that's all we are saying, this would be a nice idea but if we are not
453 going to require it then we shouldn't have it in the ordinance.
454

455 Ms. Gardner - The County Attorney did not catch the "should" rather than "shall".
456 Although, I don't see any reason it couldn't be made "shall." Randy, does that seem plausible?
457 At the bottom of page 2, retail uses within an O/S-2 project shall be.
458

459 Mr. Silber - I don't see a problem with that. If maybe an enforcement challenge.
460

461 Ms. Gardner - But, that does strengthen it. You are right. I will note that change as well.
462

463 Mrs. Wade - Are communication towers allowed in this category?
464

465 Ms. Gardner - Yes, they are, as in the other districts, yes, they are. Subject to the same
466 regulations as in the other districts.
467

468 Ms. Dwyer - Did we decide about the frontyard setback, what we are doing with that?
469

470 Ms. Gardner - It sounded like is that Mr. Zehler was asking us to look into it and see if we
471 can come up with something better. I don't think that is something we can do off the cuff right
472 here but we can go back and revisit that.
473

474 Ms. Dwyer - While you are looking at that too, maybe we can check into not permitting
475 the elimination of rear and side yards, particularly if they adjoins "R" and "A" districts.
476

477 Ms. Gardner - Okay.
478

479 Mr. Archer - Okay. Is there any further discussion on this item by Commission
480 members? This is a public hearing so if those of you out there in the audience who would like to
481 have some discussion about this, we welcome your comments at this time.
482

483 Mr. Moore - Mr. Chairman and members of the Commission, my name is Glenn Moore.
484 I'll be very brief. I have a client who owns some property in Henrico County on Glenside Drive
485 and it's possible he's interested in using this ordinance for development of that property at some
486 time in the future. We would therefore be supportive of the proposed ordinance amendment to
487 add the O/S2 District. Unfortunately, I haven't been involved in the work, I really just got
488 involved in this fairly recently and there are a few details that I would probably like to work on
489 but I can do that, I think probably, between the time the Planning Commission acts on the
490 ordinance and the Board of Supervisors particularly if they have work sessions which I anticipate
491 they will.
492

493 I have just one or two questions that relate to the acreage. I'm sure you all have explored that. I
494 have a question why 10 has to be the right number, could something less be an acceptable
495 number. I guess you have worked on that and I'll talk to staff about that. Another thing that I
496 think may need more study, is signage. In general, I'm in favor, on behalf of my client, we are in
497 favor of the ordinance amendment and hope you will adopt and recommend its approval.
498

499 Mr. Archer - Thank you, Mr. Moore. Is there anyone else? Thank you, Ms. Gardner.
500 Well, I guess it's up to the Commission now to institute a motion to recommend this to the Board
501 or not recommend it to the Board.
502

503 Mr. Zehler - With the necessary changes.
504

505 Mrs. Wade - Yes. She is going to look into one of those issues.
506

507 Mr. Zehler - I believe Ms. Gardner was going to go back and redo some issues and
508 concerns that we had.
509

510 Mr. Silber - One of the possibilities is to defer this and take action at a later meeting if
511 you would like to see additional language. The other option is to recommend its approval to the
512 Board of Supervisors with the understanding that the staff will work towards addressing your
513 concern on the front yard setback and height issue and the other issue that Ms. Dwyer brought up.
514 You can defer it or you can word it with us looking at those additional aspects.
515

516 Mr. Archer - What is the Commission's pleasure.
517

518 Mr. Zehler - There are too many issues.
519

520 Mr. Archer - Do you want to hold it?
521

522 Mr. Zehler - Yes. Mr. Chairman, I move that staff go back to the drawing board and
523 make the necessary changes that were recommended by the Commission today, and come back at
524 a later date with a new set of conditions that we have, adding the new verbiage and whatever.
525

526 Mr. Archer - Before we second that, will that include another public hearing or just
527 action on what we've done today?
528

529 Mr. Silber - I would think it would just be action. Do you have a certain date you want
530 it deferred to?
531

532 Mr. Zehler - I move that it be deferred to the March 24, 1998, meeting for decision
533 only.
534

535 Mrs. Wade - Second.
536

537 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mrs. Wade that we
538 defer this until our March 24, 1998, meeting in order that the changes that we referred today may
539 be included in the final draft. All in favor say aye...all opposed say nay. The motion passes.
540

541 The Planning Commission deferred the zoning ordinance amendment for the O/S2, Office Service
542 District, to its March 24, 1998, meeting for decision only.
543

544 **THREE CHOPT:**

545 **(Deferred from the February 12, 1998, Rezoning Meeting)**

546 **C-9C-98** Glenn R. Moore for Ikon Office Solutions: Request to conditionally rezone from
547 A-1 Agricultural District to M-1C Light Industrial District (Conditional), Parcel 28-A-22,
548 containing 12.8 acres, located at the southeast corner of Interstate 295 and Nuckols Road. A
549 regional headquarters building, office and light industrial development are proposed. The use will
550 be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
551 recommends Planned Industrial development.
552

553 Mr. Archer - Is there anyone here in opposition to C-9C-98, Ikon Office Solutions? No
554 opposition. Ms. Gardner.

555 Ms. Gardner - You first heard this case at your March 12, 1998 rezoning meeting. If you
556 will recall, at that time staff identified that the main issue was the visibility of the site. This site is
557 at Nuckols Road and I-295. It is also adjacent to Innsbrook. It's designated for planned
558 industrial use and the applicant is contemplating industrial use. However, we did not at that time
559 have a great deal of detail of what they actually plan to do with the site. I also mentioned at that
560 time that they are coming forward with a plan of development. A part of the reason that this case
561 is on a fast track is that they hope to go next month for a POD review. You've received new
562 proffers at your seats. The applicant brought those with him this morning, they were received by
563 staff this morning. Although, I have seen some of the content of the proffers prior to today, I
564 have not seen all of it prior to today. Therefore, you will have to waive the time limit to accept
565 and consider these proffers.

566
567 I'll hit on some of the changes. On Proffer No. 2, the overnight parking of commercial vehicles
568 shall be screened for Nuckols Road and I-295. This addresses staff's concern about the
569 possibility of having trucks more or less stored there and highly visible. This would particularly
570 be a concern on the rear of the site. I would also remind you that Ikon intends to use the front
571 part of the site. We don't know what will happen to the rear of the site. Moving down to No. 6,
572 the rooftop equipment will also be screened from Nuckols Road and I-295. This is also an
573 improvement. Moving back to page 9. The applicant in addition to restricting retail uses of the
574 property, has called out several light industrial uses that will not be allowed on the property.
575 However, I'd point out that many of the uses that are still allowed will entail trucks and there's a
576 possibility, particularly on the rear of the site, that any use would heavily involve trucks and could
577 involve intense loading areas, overhead doors and so forth. Numbers 10, 11, and 12 are new.
578 Landscaped areas will be irrigated. Number 11, Development Controls. If you read this proffer
579 you will see that it says, although they are not a part of Innsbrook, they will abide by the
580 covenants of Innsbrook, the covenants and standards. Innsbrook has separate covenants and
581 standards. The covenants, of course, run with the land within Innsbrook. They also have
582 standards that they judge properties within Innsbrook by. What the applicant is proposing to do is
583 abide by those standards. However, the tricky thing here is that these covenants are not recorded
584 with the land. Therefore, we have to rely on Innsbrook to voluntarily review this property. They
585 said, preliminarily that they will. However, they do not have the power to enforce. What the
586 applicant would say is that because they have to get access through Innsbrook, they being Ikon,
587 will have to do whatever Innsbrook wishes. This is not a perfect implementation strategy for the
588 development standards. It's certainly better than nothing, but it's not a perfect approach.

589
590 Mrs. Wade - Are they including the covenants and standards with this case?

591
592 Ms. Gardner - Thank you for bringing that up. We have not seen the covenants. We have
593 not seen the standards. I'm not sure that the applicant even knows what entirely it entails. I
594 would urge the applicant to submit those so that we can see exactly what we are getting by
595 accepting this proffer because this is a difficult proffer.

596
597 Mrs. Wade - And it also seems that there is only one set of covenants and development
598 standards that will always be the case.

599
600 Ms. Gardner - Right. That's a very good point. Finally, the overhead delivery doors.
601 This is also a new proffer. I had not seen this before this morning. Overhead delivery doors will
602 be screened from view from I-295 and Nuckols Road adjacent to the property by vegetation or
603 other screening material. This was perhaps the most serious concern that the staff had,
604 particularly as it related to the rear of the property where we don't know what they intend to do.
605 There's a possibility of having a series of overhead doors in loading areas oriented toward I-295.
606 So, the applicant has addressed that. I can not give you a ringing recommendation of approval.
607 The lateness of the proffers leaves me with some reservations. It's always uncomfortable to try to
608 make a judgement on proffers, particularly when it's of the key issue, in such a quick fashion.

609 We've minimally addressed the main concerns that staff has identified in the staff report many
610 weeks ago. So, that's where we are, and I'd be happy to take any questions.

611
612 Mr. Archer - Thank you, Ms. Gardner. Are there any questions of Ms. Gardner by
613 Commission members? As Ms. Gardner mentioned, the proffers were received on this as late as
614 this morning. We would like to encourage everyone to please get the proffers in early enough
615 that the Commission will have a chance to review them prior to having to act on it. Mr. Moore.

616
617 Mr. Moore - Mr. Archer, members of the Commission, I tried to get these proffers in.
618 It's basically been a continuing negotiation process on these proffers, basically what has
619 happened. It's probably been changed about three times since we first met. I think that I got a
620 set out to you with some of these changes last week. What happens, when the proffers have to be
621 changed, I've got to go back and talk with the owners and see if the owners agree with the
622 changes. It's really very difficult. To get them in any sooner, I've done my best to try to get
623 them to you. I apologize for getting them to you late. Every time I submit a set, and then I'm
624 asked to do some more things, which I, in the interest of trying to cooperate, I go back to my
625 client and ask if they are willing to do it and then go to the owners and ask them if they are willing
626 to accept those proffers, because if this deal isn't consummated then the land is going to be zoned
627 and these owners are going to be left with the land. So, they have some interest with what the
628 proffers say. I apologize for it but that's really the reason why they came in late.

629
630 Mr. Archer - We understand, Mr. Moore, and I guess all I'm trying to say is that it does
631 make it difficult for us to have to try to make a decision while we are carrying on a meeting we
632 have to read this as we go along. But, anyway, thank you for the explanation, I appreciate it.

633
634 Mrs. Wade - It's especially difficult when you are trying to work with a rezoning case
635 and POD at the same time. We were supposed to accelerate this because it's a company that's
636 located in the County and we try to accommodate them, but we are doing the best we can with
637 the information you have given us.

638
639 Mr. Moore - Well, what this basically is, it's a request to rezone a piece of land, I'm not
640 going to do a full presentation because I did that last time and I don't want to take your time
641 again. But, I will remind you what this case it about, it's an application to rezone a piece of land
642 that's currently zoned A-1, it's in the Master Plan for Planned Industrial, to M-1C. M-1C, Light
643 Industrial District (Conditional), abuts this property on two of its sides. The proffered conditions
644 that you have before you are far more restrictive than the proffered conditions that affect the piece
645 of land that is immediately adjacent to this property. For that reason, I think you have a precedent
646 set on the adjoining property. You have a Master Plan which says that this property should be
647 developed for industrial purposes and because of the acreage, M-1 is really the only industrial
648 category, well M-1 is the least intensive industrial classification that could be applicable. And, I
649 submit to you that it is an appropriate zoning case for recommendation for approval to the Board
650 of supervisors.

651

652 The new proffers that you have received basically address three things. The screening of both
653 commercial vehicles and the overhead doors, if any. I guess the difficulty with this case, I'm sure
654 the difficulty with this case, is that on the board that you see closest to Mr. Jarvis, the site on the
655 right, which is the northernmost site, Nuckols Road being to your left, I guess that's confusing.
656 It should be turned. We don't know what's going to happen with that. In all likelihood, what will
657 happen is that it will be sold to Highwoods, when negotiating with them, we think that's what
658 going to happen. Highwoods in this area of Innsbrook, has been developing office buildings. The
659 part of the property that IKON is buying, which is roughly the southernmost six and half acres,
660 what's proposed for development there, they have submitted a site plan and a POD and
661 everything that's required for POD approval. So, I don't think there is really any need for
662 concern about that building.

663
664 We have restricted the uses on the property to a much greater extent than the uses on the
665 adjoining property in Innsbrook. We have also stated that we will comply with the Innsbrook
666 development standards. Now, I have no problem saying that we will do that because the only way
667 we can get access to this property is through Innsbrook. The only way I can get access through
668 Innsbrook is if Innsbrook is satisfied that the development on the property is compatible with their
669 development. I submit to you that that's the assurance that you get by that proffer. People, I
670 think, take a lot of pride in the quality of development in Innsbrook and the standards that they
671 have set, and probably that's why the conditions that are on the adjoining property are so much
672 less restricted because of the track record that they have. Well, I will submit to you that we are
673 going to have to follow the track record that they have. And, clearly, with the building that's
674 been submitted, I don't think there has been any question about the quality of that building or the
675 uses proposed for that building. And with the other conditions that we are placing on the
676 northern part of the property I just don't see how this case could constantly be considered a bad
677 or inappropriate zoning case. So, I would ask that the Planning Commission waive the time limit
678 for accepting the amended and restated proffered conditions and recommend this case to the
679 Board of Supervisors for approval.

680
681 Mrs. Wade - I think we made it clear at the last hearing that we didn't consider it
682 necessarily inappropriate use for the land but we were concerned in the planned industrial area
683 that the standards and quality be very good, and we needed more details which sort of gradually
684 have been submitted here. As far as the overhead delivery doors, I believe you indicated on the
685 first building that they are not going to have any overhead delivery doors on the back.

686
687 Mr. Moore - That's correct.

688
689 Mrs. Wade - Are you submitting any of these, exhibits, with the case?

690
691 Mr. Moore - No. The site plan on your right is a part of the plan of development and
692 the building elevations are also a part of the plan of development. I don't see the need for a
693 proffer.

694

695 Mrs. Wade - Well, we can assume in this case that that's what's going to happen. We
696 have got one project further out on Broad where they came in with one building for the zoning
697 case and then they wanted three buildings and now they are back to one building. So, people do
698 change their minds. But, I have every reason to think that this is indeed is what's going to happen
699 here. But, we also need, it would seem to me, to have some copy of the Innsbrook standards and
700 covenants, although, we don't enforce them.

701
702 Mr. Moore - There are like 11. There is an original set of them and 11 modifications. I
703 can get a copy of them and file them with the Planning Department, if you feel you need them.
704 You are right though, they are subject to amendment. There are amendment provisions in the
705 covenants and they could be amended, not by Ikon, but they could be amended by the people that
706 control the Innsbrook covenants, whenever they feel appropriate. But, I don't mind getting you a
707 copy of them.

708
709 Mrs. Wade - What ever they are on the date that the Board will act on it seems to me
710 would be the points that would be significant.

711
712 Mr. Moore - I would not proffer that. I need to be subject to approval by the Innsbrook
713 people the day that we want to get the building approved for development, and that could be
714 three or four years from now on that other site. If they don't approve that building, if they don't
715 approve it at Innsbrook, we can't build it.

716
717 Mr. Silber - Mr. Moore, could you elaborate by what you mean where it says "Shall be
718 subject to review"? Review in this case is reviewed by whom?

719
720 Mr. Moore - Well, in the Innsbrook covenants there's a provision for review of plans.
721 It's required and you can't build a building until the plans have been approved. The way that I
722 would enforce this, if I were in the Planning Department, I would insist that when a person came
723 in for a building permit or possibly at the approval of plan of development, that there be a letter
724 from the people, whoever it is, the Innsbrook Owners Association or if there is an individual, the
725 president of the Innsbrook Corporation, that says we reviewed the plan and we find them
726 acceptable.

727
728 Mrs. Wade - Reviewed and approved, or just reviewed, Mr. Moore?

729
730 Mr. Moore - Reviewed and approved.

731
732 Mrs. Wade - So, you are going to add that approval in here?

733
734 Mr. Moore - That's fine.

735
736 Mr. Silber - I do think the County should be provided a copy of the covenants so that
737 we will have those on file. I realize that they are recorded in the courthouse but I think we need a
738 copy in the file. I think there is some question here as to whether this is subject to review on an

739 ongoing basis if these are changed or whether it's at the time of zoning. I would have interpret
740 this to mean at the time of zoning that the covenants are in place at that time would be the ones
741 reviewed against any development.

742

743 Mrs. Wade - I would think so too.

744

745 Ms. Dwyer - At least by the County. If Innsbrook had more stringent or different
746 covenants at a later date then they might have to work with Innsbrook on that but as far as the
747 County is concerned you are saying what? You'd like to know....

748

749 Mr. Silber - That we have a set that's in the file.

750

751 Ms. Dwyer - And that's the set that the County would use. Presumably, they will be less
752 restrictive than subsequent amendments.

753

754 Mr. Silber - More than likely.

755

756 Mrs. Wade - Innsbrook, and I don't have to remind you, is a big long-term mixed use
757 development of hundreds of acres, of which this is not technically a part. This also has more
758 exposure perhaps to the highway and the interstate than most of Innsbrook.

759

760 Mr. Moore - Well, there are parts of Innsbrook, immediately north of this site, that has
761 just as much exposure to I-295.

762

763 Mrs. Wade - But I think they also landscape along there. Is this then representative of
764 what kind of landscaping is going to happen on the back side of this building?

765

766 Mr. Moore - The back side of the Ikon Building?

767 Mrs. Wade - Yes. Well, you don't have any down here. In all of Innsbrook, at least the
768 cases that I found in Innsbrook, all start out with each site going to have a separate POD, and of
769 course you don't include that in here. But, there's no way that, I'll tell you now, that we can
770 approve this POD on this other part here with no more information than seems to be forthcoming,
771 but that's not our issue today.

772

773 Mr. Archer - Okay. Are there any further questions of Mr. Moore? All right, Mrs.
774 Wade, do you have a motion?

775

776 Mrs. Wade - First we have to move.... Are you adding the approval to your No. 9 here?
777 I move we waive the time limit to accept the amended proffers.

778

779 Ms. Dwyer- Second.

780

781 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All in
782 favor say aye...all opposed say nay. The motion is carried.

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The Planning Commission voted to waive the time limit on the amended proffers.

Mr. Archer - Now, a motion on the case, Mrs. Wade.

Mrs. Wade - I might suggest had we had slightly more expansive proffers in the first place, we would not have had to make all of these changes, Mr. Moore. I know it's not necessarily your doing. As I've said, this business is currently located in the County and we certainly try to encourage them to continue their activity and expansion in our community. There, I believe, have been enough proffers added to ensure a good quality design here. It will essentially, as he said, although it isn't a part of Innsbrook, should function that way. It would be in some way to their advantage to be considered or identified with Innsbrook. The access is not ideal but that's something that will have to be worked out later on before they can add 100,000 square feet or at least have 100,000 total. So, I move that C-9C-98 be recommended for approval with the amended proffers.

Ms. Dwyer - Second.

Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer that C-9C-98 be recommended to the Board of Supervisors for approval. All in favor say aye...all opposed say nay. The ayes have it.

REASON: Acting on a motion by Mrs. Wade, seconded by Ms. Dwyer, the Planning Commission voted 5 to 0 (one abstention) to recommend that the Board of Supervisors accept the proffered conditions and grant the request because it is reasonable; it conforms to the recommendations of the Land Use Plan; and the employment use(s) support the County's economic development policies.

Mr. Silber - The next item of business is a transfer of approval.

TRANSFER OF APPROVAL

POD-3-76
7-Eleven
Darbytown Road

Ajay Kumar and Temple of Refuge Church of God in Christ:
Request for a transfer of approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Southland Corporation to Ajay Kumar. The site is located on the south line of Darbytown Road approximately 600 feet west of Acton Street on parcel 171-A-20. The zoning is B-1, Business District. **(Varina)**

Mr. Archer - Is there anyone here in opposition to the transfer of approval for POD-3-76, Seven-Eleven, Darbytown Road? No opposition. Mr. McGarry.

820 Mr. McGarry -Mr. Chairman and members of the Commission, the field inspection of the Site is
821 complete and some minor paving defects and landscaping is missing. The church has agreed to
822 either complete these repairs and replace the landscaping or post a bond prior to getting a
823 certificate of occupancy. Therefore, staff has on your addendum, addendum item No. 1, which
824 basically says, "All discrepancies listed on the February 8, 1998, inspection report shall be
825 completed or bonded prior to issuance of an occupancy permit." With that, staff can recommend
826 the transfer of approval.

827
828 Mr. Archer - All right. Are there any questions for Mr. McGarry?

829
830 Mr. Zehler - Is the applicant in agreement with this condition? Is he aware of it?

831
832 Mr. McGarry- Yes, he is.

833
834 Mr. Vanarsdall - Mr. McGarry, I may or may not have ever seen that added condition like
835 that. Is this something we just started doing or have we have done it many times?

836
837 Mr. McGarry -Do you mean the addendum item?

838
839 Mr. Vanarsdall - That particular wording.

840
841 Mr. McGarry -That's just the way I though it should be laid out.

842
843 Mr. Vanarsdall - I think it's an excellent idea because we do find a lot of discrepancies.
844 That's all I have, Mr. Chairman.

845
846 Mr. Archer - Are there any other questions of Mr. McGarry?

847
848 Ms. Dwyer - Mr. McGarry, is this going to be used as a church?

849
850 Mr. McGarry -That's correct.

851
852 Ms. Dwyer - And how is it that the POD for the 7-Eleven works for the church?

853
854 Mr. McGarry -It is my understanding that they are just going to be basically convert the interior
855 to a church type of use. They have a limit on the number of seats that they can create because the
856 parking available to the site is limited and therefore I think they are going to be limited to about
857 56 members. It's a very small church.

858
859 Ms. Dwyer - So, they are not going to change anything outside the building, other than
860 perhaps signs?

861
862 Mr. McGarry - They told me they were not going to make any changes, other than
863 improving the landscaping and fixing the pavement that needs repairing. There will be no major

864 changes to the exterior appearance. A similar conversion occurred up on Woodman Road several
865 years ago. That was a 7-Eleven that was converted to a church as well.

866
867

868 Ms. Dwyer - Is that progress?

869

870 Mr. Archer - Are there any more questions?

871

872 Mr. Zehler - Mr. Chairman, I move that POD-3-76, 7-Eleven Darbytown Road, transfer
873 of approval be approved.

874

875 Mr. Vanarsdall - Second.

876

877 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mr. Vanarsdall. All
878 in favor say aye...all oppose say nay. The motion passes.

879

880 Mr. Zehler Also, Mr. Chairman, I would like to add with condition No. 1.

881

882 Mr. Vanarsdall - Second.

883

884 Mr. Archer - Okay. So noted.

885

886 The Planning Commission approved the transfer of approval for POD-3-76, 7-Eleven Darbytown
887 Road from Southland Corporation to Ajay Kumar, subject to the conditions approved previously
888 and the following additional condition:

889

890 1. All discrepancies listed on the February 8, 1998, inspection report shall be completed or
891 bonded prior to issuance of an occupancy permit.

892

893 **TRANSFER OF APPROVAL**

894

POD-41-97
Westham Office Park

Williams, Mullen, Christian, & Dobbins for HDC, L.L.C. and Ridge Road Associates, L.L.C.: Request for a transfer of approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, from The Nolde Company, Inc. and Harper Associates, L.L.C. to HDC, L.L.C. and Ridge Road Associates, L.L.C. The 2.15 site is located approximately 100 feet north of Holmes Avenue on parcel 113-A-38A and 37. The zoning is O-1C, Office District (Conditional). **(Tuckahoe)**

895

896 Mr. Archer - Is there anyone in the audience in opposition to the transfer of POD-41-97,
897 Westham Office Park? Mr. Wilhite.

898

899 Mr. Wilhite - Staff has nothing to add unless there are any questions by the Commission.

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Mr. Archer - Are there any questions of Mr. Wilhite? Is there a motion?

Ms. Dwyer - I move the transfer of approval for POD-41-97, Westham Office Park.

Mr. Vanarsdall - Second.

Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall. All in favor say aye...all opposed say nay. The motion passes.

The Planning Commission granted the transfer of approval for POD-41-97, Westham Office Park from The Nolde Company, Inc and Harper Associates, L.L.C. to HDC, L.L.C. and Ridge Road Associates, L.L.C.

LIGHTING PLAN

LP/POD-56-97
Captain D's
Restaurant
Short Pump

Shoney's of Richmond, Inc.: Request for approval of a lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code. The 1.21 acre site is located at Short Pump Plaza, between the intersection of W. Broad Street (U.S. Route 250) and Pouncey Tract Road (State Route 27) and Interstate 64 On part of parcel 36-A-18G. The zoning is B-3C, Business District (Conditional) and W.B.S.O. (W. Broad Street Overlay District).
(Three Chopt)

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Mr. Archer - Is there anyone in the audience in opposition to lighting plan LP/POD-56-97, Captain D's Restaurant Short Pump? Mr. Strauss.

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Mr. Strauss - Thank you, Mr. Chairman. The applicant requests approval of a lighting plan. The staff has reviewed the lighting plan and has a number of concerns. Although, the parking lot lighting proposed meets the County policy in regard to lighting, review of the architectural plans for the building indicated an unusual amount of building mounted lights which do not appear on the site lighting plan. I've distributed the annotated plan to you this morning and a copy of the building plans which shows building mounted lights.

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928

Mrs. Wade - What did you say about this, this morning?

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935

Mr. Strauss - The lighting plan, actually, there are two components to the lighting plan. There's a site lighting plan with parking lot lighting and then there's building mounted lights on the Captain D's as proposed, which has a number of building mounted lights which also have some effect on the site but more, exactly, they have an effect on the building itself. You will see from the packet that there are 14 gooseneck lights on the building at 100 watts each. Ten spotlights at 175 watts each and 21 wall mounted lights at 40 watts each, for a total of 45 lights on the exterior of the building. There was a concern that the cumulative effect of the lighting on

936 the building would be a problem since most of the existing buildings at Short Pump Plaza have no
937 more than eight lights per side for about a total of 16 to 18. This is an unusual amount of
938 lighting, and I've talked to the applicant about it and he feels that the lighting is justified because
939 it is low wattage and it's also used to highlight the architectural features of the building. You can
940 see that there is a row of spotlights along the top of the roof and there are also gooseneck lights
941 which create a theme or a "dock" like affect for the Captain D's, which is a seafood restaurant.

942
943 Also, the applicant indicates that the building design is a higher level of design than most of the
944 other buildings onsite. So, staff was concerned with the amount of lighting proposed. It's a large
945 amount of lighting. It's not typical of what's going on out there. The Jiffy Lube and Wendy's
946 have a much lower number of lights on the building than this project. Although, we do concede
947 that the County policy on lighting does recognize the use of spotlights to highlight architectural
948 features. Staff would propose a reduction in the lights as on the annotated plan, the 14
949 goosenecks. We would allow, instead of the ten spotlights, I mentioned, four spotlights and
950 seven wall mounts, we feel we could possibly live with this. Of course, it's hard to say what
951 you've got until you get it. So we are somewhat concerned that there are that many lights there,
952 but with this recommendation, we are recommending a reduction in total lights. The applicant
953 seems to agreeable to do that. Mark Sweeney is the applicant and he is here to answer any
954 questions you may have.

955
956 Mrs. Wade - So, you have talked with him since you and I talked yesterday, is this what
957 you are saying?

958
959 Mr. Strauss - Yes, ma'am.

960
961 Mrs. Wade - Because when you and I talked you had not heard any more from them.

962
963 Mr. Strauss - Right. I talked at length this morning with them.

964
965 Ms. Dwyer - Where are the spotlights located?

966
967 Mr. Strauss - You will see on the architectural elevation, one picture down, in the
968 middle,... For lack of a better description, it's an A-frame-type of roof or cupola. There are two
969 small boxes on the side. The spotlights are to highlight the roof treatment on either side of that
970 A-frame roof.

971
972 Mrs. Wade - And you have the total, now, overall effect, the photometrics?

973
974 Mr. Strauss - Staff asked for a cumulative photometric, which we did not receive. The
975 applicant explained to me that the architect was not sure that he could run a photometric like
976 that for this type of lighting, because a lot of the lighting is on the roof itself. The goosenecks do
977 have an effect on the sidewalk around the building and we have not received the revised
978 photometric for that.

979

980 Ms. Dwyer - The type "T" floodlights, that are included in our packet, are they going to
981 be used anywhere? Or, is that just excess information?
982

983 Mr. Strauss - If you are talking about the type "T", that is the floodlight proposed for the
984 roof, which we were just talking about.
985

986 Mrs. Wade - You mentioned floodlights in terms of County policy and ordinance and
987 whatnot, there are also proffers on this shopping center are there not, as well as there are in
988 the Broad Street Overlay?
989

990 Mr. Strauss - The proffers with zoning case C-40C-88, indicate proffer No. 6,
991 specifically, that there should be, basically, a compatible or substantial similar architectural design
992 and quality materials throughout the shopping center. Now, there is a high degree of quality in
993 terms of the building design. The lighting is above the line of what we have seen out there before.
994 The lighting is to show the architecture of the building.
995

996 Mrs. Wade - As I recall. Their argument was not so much that this looked better than
997 anything else out there but that this was different and somewhat more expansive then most of
998 their Captain D's. Maybe I misunderstood.
999

1000 Mr. Strauss - That's true. This is different from the Captain D's on Woodman.
1001

1002 Mrs. Wade - I wouldn't say that this is necessarily "above" everything else that is
1003 already located there.
1004

1005 Mr. Strauss - I guess if you ask five people you will get five different answers in regards
1006 to that.
1007

1008 Mrs. Wade - Fourteen gooseneck lights then with what kind of wattage?
1009

1010 Mr. Strauss - That's 100-watt incandescent bulb.
1011

1012 Mrs. Wade - And the two spots.
1013

1014 Mr. Strauss - The spots are proposed at 175 watts and the small wall mounts are 40.
1015 Now at 40 watts it's getting down to a level where it really doesn't have a lot of significance in
1016 terms of.... We have seen that in other projects for architectural highlighting. It doesn't have
1017 much of a horizontal affect.
1018

1019 Mrs. Wade - But with seven then it won't be as many as shown on this plan.
1020

1021 Mr. Strauss- That counts but if you look at the number of X's, the goosenecks will be
1022 reduced from the top parapet.
1023

1024 Mrs. Wade - Yes, the goosenecks, but the wall mounts there are fewer of those.
1025
1026 Mr. Strauss - I believe we started out with 19 wall mounts on the POD submittal. So
1027 this does a substantial reduction.
1028
1029 Mrs. Wade - All right.
1030
1031 Mr. Zehler - Where is the landscaping plan, Jim?
1032
1033 Mr. Strauss - The landscape plan has not been submitted because the building has not
1034 progressed far enough to hear the landscape plan.
1035
1036 Mr. Zehler - So we are not going to approve the landscaping today?
1037
1038 Mr. Strauss - Not, today, no, sir.
1039
1040 Mr. Zehler - Well, it's shown on the agenda.
1041
1042 Mr. Strauss - Right. It was an error in the agenda. I think Randy mentioned, for the
1043 record, when he called the case that it was for lighting only.
1044 Mr. Zehler - Okay.
1045
1046 Mr. Silber - Yes, just for lighting.
1047
1048 Mr. Strauss - Mark Sweeney is here if you would like to ask him any questions about the
1049 lighting or the purpose of the lighting. He may have an additional comment.
1050
1051 Mrs. Wade - Thank you Mr. Strauss.
1052
1053 Mr. Sweeney - I'm Mark Sweeney for Shoney's. I do have a question for Jim. On the wall
1054 mount, you are going down to seven here? I did not see this. Our preference would be to keep
1055 the wall mounted. They are 40-watt incandescent. All it is, is accenting the building. It will
1056 probably make it a littler easier for people to walk along the sidewalk. You get probably get six
1057 inches from it and couldn't read a page in a book. They are covered also.
1058
1059 Mr. Archer - What was the original number?
1060
1061 Mr. Strauss - The original number doesn't show on this drawing. I believe it was on the
1062 original architectural, that I don't have here today, it had as many as 19.
1063
1064 Mrs. Wade - We had talked to him about eliminating some of those. So, let's make 10
1065 wall mounts. How about that? I don't know how that works out. Take out every other one or
1066 something.
1067

1068 Mr. Strauss - I'm sorry. I'm in error. This elevation actually does have wall mounts but
1069 they are behind the gooseneck.... I don't know if that's a column holding up each gooseneck.
1070 There were decorative wall mounts of 20 watts so I imagine Mark would like to go back as close
1071 as possible to the 19. They are 40 watts, so staff is not as nearly concerned about the wall
1072 mounts.

1073
1074 Mrs. Wade - I thought when we met, we thought he could do with fewer wall mounts.

1075
1076 Mr. Sweeney - The purpose of the wall mount, if you look, in most cases, for instance in the front,
1077 the distance between the exterior wall and the column there probably is about five or six feet.
1078 These wall mounts are 40 watts. Again, they just give a little bit of lighting. So, it's probably
1079 safer to walk through there as well as it shows off the building. Forty watts, again, it's an
1080 incandescent bulb, it's covered. It has very little wattage. That's the purpose of it.

1081
1082 Mrs. Wade - What did you say about the X's through the goosenecks, Mr. Strauss?

1083
1084 Mr. Stauss - Pardon me?

1085
1086 Mrs. Wade - So, where are the goosenecks left then?

1087 Mr. Strauss - The goosenecks, I've crossed out along the parapet along the top of the
1088 building as you can see with the X's.

1089
1090 Mrs. Wade - But, there are still 14 left.

1091
1092 Mr. Strauss - Yes. You have to look very carefully around....

1093
1094 Mrs. Wade - It would have been helpful if we had been able to talk about this before this
1095 morning. Anyway, it's not your fault.

1096
1097 Mr. Strauss - I admit, it would have been easier. If you look through the middle of the
1098 building there are goosenecks proposed along the roof eve, through the middle.

1099
1100 Mrs. Wade - Anyway, you're satisfied Mr. Strauss.

1101
1102 Mr. Archer - Did we come to a conclusion on the number of wall mounts?

1103
1104 Mr. Strauss - I think Mark is suggesting somewhere more than seven, closer to the
1105 original 19. I was recommending seven but I think because of the low intensity I could probably
1106 recommend, going back, maybe if we reduce it to 12.

1107
1108 Mr. Sweeney - Not to put you on the spot arbitrarily just picking a number, I think it's 17.

1109
1110 Mr. Strauss - I'd go for 17.

1111

1112 Mr. Archer - Is that satisfactory, Mrs. Wade?
1113
1114 Mrs. Wade - So, this is not going to brighter than anything else in the area.
1115
1116 Mr. Strauss - I would not compare them to a wall pack which is a much higher wattage
1117 of 100 plus. I've seen, for instance, at Barony Village....
1118
1119 Mrs. Wade - Is it 17, now? All right. At 40 watt.
1120
1121 Mr. Strauss - Thank you for your patience.
1122
1123 Mr. Archer - Are there any other questions?
1124
1125 Mrs. Wade - It's been weeks since we've had the meeting on this. That's all. I trust
1126 you, Mr. Strauss, here.
1127
1128
1129 Ms. Dwyer - So, now it's now 14 goosenecks, 2 spots and 19 wall mounts, is that what
1130 we decided?
1131
1132 Mrs. Wade - Seventeen, wall mounts. A hundred watts, 175 watts and 40 watts,
1133 respectively. All right. Are you ready for a motion, Mr. Chairman?
1134
1135 Mr. Archer - Yes, ma'am.
1136
1137 Mrs. Wade - I move the lighting plan for LP/POD-56-97 be approved, the revised
1138 lighting plan, subject to the annotations, the standard conditions, I move it be approved.
1139
1140 Ms. Dwyer - Second.
1141
1142 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All in
1143 favor say aye...all opposed say nay. The motion passes.
1144
1145 The Planning Commission approved the lighting plan for LP/POD-56-97, Captain D's Restaurant
1146 Shot Pump, subject to the annotations on the plans and the standard conditions for lighting plans.
1147
1148

1149 **PLAN OF DEVELOPMENT**

POD-8-98
Faith Landmark
Ministries
(POD-44-91 Rev.)

E. D. Lewis & Associates for Faith Landmark Ministries: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a 2 ½ story, 58,000 square foot, Phase I church addition and a 4,000 square foot, Phase II church addition and master plan. The 54.1 acre site is located

one Diane Lane, 8491 Chamberlayne Road (U.S. Route 301) approximately 1000 feet north of U.S. Route 301 on parcel 64-A-23A and 23N. The zoning is A-1, Agricultural District, R-2C, One-Family Residence District (Conditional) and C-1, Conservation District. County water and sewer. **(Fairfield)**

1150

1151 Mr. Archer - Is there anyone in the audience in opposition to POD-8-98, Faith
1152 Landmarks Ministries?

1153

1154 Mr. Kirby - Yes, sir. I have a concern.

1155

1156 Mr. Archer - Yes, sir. We will get to you soon. Ms. News.

1157

1158 Ms. News - This project involves construction of a church addition which will contain a
1159 total of 3,000 seats in Phase I additional 2,000 seats will be added with Phase II which involves
1160 the construction of an internal balcony addition. All applicable proffered conditions have been
1161 met with this submission including provision of an undisturbed 100-foot buffer along the property
1162 line parallel to Diane Lane and a seven-foot-high wood fence on the project side of the buffer.
1163 There is a small area of the buffer adjacent to the A-1 property, south of the site, shown to be
1164 cleared to accommodate grading for a sediment basin. This clearing requires the Planning
1165 Commission's approval. A portion of the parking, approximately 220 spaces, labeled "future" on
1166 the plans, will require a variance for parking in the front yard prior to construction. This is
1167 addressed by revised condition No. 32 on in your addendum. A total of 1,975 parking spaces will
1168 be built which exceeds the minimum requirement by 725 spaces. Construction of both access
1169 roads to Route 301 is required with the Phase I development of the property, which is addressed
1170 with condition No. 33. Construction of a BMP is required with Phase II parking construction.
1171 This is shown as the "future pond BMP" on the plans. The wooded area between the pond and
1172 Route 301 will be left undisturbed. Staff recommends approval of the plan as annotated. The
1173 applicant is prepared to present a rendering of the site plan and architectural elevations.

1174

1175 Mr. Archer - Are there any questions of Ms. News by Commission members? Okay.
1176 Leslie, have we worked out the condition concerning the new entrance to the satisfaction of the
1177 Traffic Department?

1178

1179 Ms. News - Yes. Condition No. 33 requires construction of the secondary access route
1180 to U.S. Route 301 with Phase I construction of the project. And I understand that the applicant is
1181 in agreement with that.

1182

1183 Mr. Archer - Okay. Are there any other questions of Ms. News? Mr. Lewis.

1184

1185 Mr. Lewis - For the record, my name is Monty Lewis with E. D. Lewis & Associates
1186 representing the applicant. We are in agreement with the County's conditions. We will be
1187 building the second access onto Route 301, which is right in and right out, with the first phase.
1188 As she has gone over, the conditions of zoning, we all met. This was zoned last year of 1997.

1189 The 100-foot buffer. During the zoning, the condition read that we are allowed to grade within
1190 that 100-foot buffer if it's allowed by the Planning Commission. This grading is not exactly for a
1191 sediment basin, it's for the drainage that's needed there. There's a steep reveue coming into this
1192 area. I'd be glad to show you where that is. The area that's shown in orange (referring to
1193 rendering), it's five hundredths of an acre. There's a steep gully that comes in this way that the
1194 grading spills over into so we can pick up the drainage coming offsite to get it into this basin.

1195
1196 Mr. Archer - Monty, where is Chamberlayne on there.

1197
1198 Mr. Lewis - Right here.

1199
1200 Mr. Archer - Okay. I just wanted to make sure that everybody else understood where
1201 that was.

1202
1203 Ms. Dwyer - What is this green patch here, where you said the water would flow from
1204 off site?

1205
1206 Mr. Lewis - This is a temporary sediment basin. The drainage on this project splits
1207 right here in the middle. This goes that way and this goes back towards the ponds. The dark area
1208 that you see is the area that we will be able to maintain with the existing vegetation. The lighter
1209 green is where we are coming back with plantings and seeding, landscaping. The woods up here
1210 we will be able to keep. This is the second access that we agreed to build, coming into Route
1211 301. This area is fairly wide because it's very steep coming down to Route 301, and to meet the
1212 County's requirements the slope will have to be pulled back that far. This is the (unintelligible)
1213 BMP that is needed. It mirrors the site of Diane Lane. There is an existing little pond right here.
1214 During the summer months it's covered with duckweed and fairly green. We plan to leave this. If
1215 you recall in the zoning case, we called for three access points, but this one across the dam was
1216 dropped at the request of the neighbors. The 100-foot buffer comes back to this line. We are
1217 providing even more than that, we are about 120 feet back from the property line. This is Shrader
1218 Woods, here. This is A-1 zoned land back in here. We will be building a seven-foot-high wooden
1219 fence along here and down here as required by the proffered the conditions. Before any clearing
1220 is started, that was required in the zoning.

1221
1222 Phase I parking is what you see, this is existing, that you see in white. Phase II parking is this
1223 area here and goes over to here. This is future parking that we can't do until we go before the
1224 BZA because it is within this frontyard setback of the building. With Phase I we will be clearing
1225 most of this Phase II area back in here, but not this area. We are clearing this. We have excess
1226 dirt over here. We had to look at the entire project for a balance of building material. So, we will
1227 be grading this out. It won't be a stockpile like you usually see, it will be graded out to a large flat
1228 area. This also allows us to go ahead and put the plantings in here so they can mature before the
1229 Phase 2 parking goes in, which we don't have any projections right now. Our guess right now is
1230 maybe 10 years because it's been 10 years since this project before you.

1231
1232 Ms. Dwyer - So you will be seeding for Phase II?

1233
1234 Mr. Lewis - Right.
1235
1236 Mr. Archer - Mr. Lewis, you and I discussed this, but just so the others will know. I
1237 think when we did the rezoning case the fence was at six foot at that point. It grew a foot. But,
1238 there was also some discussion about having some plantings on the neighborhood side of the
1239 fence, I believe. I understand that part was eliminated at the Board zoning.
1240
1241 Mr. Lewis - At the zoning process, just to give you a brief synopsis of what happened.
1242 The setback will start at 25 feet, it kept on moving to 35 to 50 to 75 to 80 to 100, and back when
1243 it was like 50 feet, it was either 50 or 75 feet, we proposed to have that smaller buffer and
1244 supplemental landscaping in here. As you can see, that an existing power line on our property
1245 that has already been cleared. That we really can't grow a whole lot of large shrubbery in. We
1246 took out the landscaping and moved it to 100 feet and the fence went up from six to seven. The
1247 fence, they wanted that mainly for two reasons. They want to restrict foot traffic through, here,
1248 and also headlights. The main difference in this project and what was zoned, this building during
1249 zoning, the schematic that you saw, was right here. Moving it away from the residents. Also
1250 during zoning we, the schematic layout had 2,400 total parking spaces, we are now at 1,975 on
1251 Phase II.
1252
1253 Mr. Donati - Monty, let me ask you a question. The new entrance there, are you going
1254 to continue the de-acceleration lane off Route 301?
1255
1256 Mr. Lewis - Yes, sir. We are adding a little bit to that. We are putting a right turn lane
1257 acceleration and a right turn (unintelligible).
1258
1259 Mr. Donati - Okay. I thought so. There is already one there for the other entrance.
1260
1261 Mr. Lewis - Yes, sir. There's one here now. The existing entrances has three lanes, we
1262 are expanding that to four lanes as required by the Transportation Department and our own traffic
1263 study that was done during zoning.
1264
1265 Mr. Donati - VDOT had to get in on that one, didn't they?
1266
1267 Mr. Lewis - Yes, sir. We are still waiting for their comments.
1268
1269 Mrs. Wade - Do you have landscape islands in all your parking lots?
1270
1271 Mr. Lewis - Yes, ma'am.
1272
1273 Mrs. Wade - And, rows of cars are broken up.
1274
1275 Mr. Lewis - Yes, ma'am. The three dots where my islands are, we don't have any
1276 space. You need over 19 spaces before you have an island, it's required by code.

1277
1278 Mr. Archer - Thank you, Mr. Lewis. I just wanted to bring that to the Commission's
1279 attention because the zoning case did change quite a bit from the time it left us and by the time it
1280 cleared the Board. So, I thought you all might be interested in knowing that.
1281
1282 Mr. Lewis - I also have with me, if you have any questions on the building, Nick Cade
1283 has flown in from Dallas. He is the architect on the project and Pastor Andy Gilbert is here to
1284 answer any questions you might have about the operations and the number of services.
1285
1286 Mr. Donati - What is the congregation membership there?
1287
1288 Mr. Lewis - It's 2,800. The existing seating capacity is 1,300 and they have 500
1289 parking spaces now. We are going to bump that parking space up. So, the total of Phase I is
1290 about 1,000 spaces.
1291
1292 Mr. Archer - Okay. Thank you, Mr. Lewis. I don't think we had any opposition but we
1293 have someone who may want to speak to the case. You can come up and give your name and
1294 address.
1295
1296 Mr. Kirby - My name is Philip Kirby and I live at 8315 Whistler Court, which my house
1297 faces right back to Chamberlayne Avenue and directly across the street from Faith Landmark.
1298 I'm not opposed to the church or the building of the church but my concern is related to the
1299 access roads. Currently, they do have the one access road and I see where they are going to build
1300 the second one which will allow you that right turn. My concern, just from what I've seen is with
1301 the volume of traffic that comes out from the church services on Wednesday night or when a
1302 minister or someone coming for an engagement. People try to go across both lanes... they go
1303 cross to the median and then go south on Chamberlayne Avenue. If you know that area there,
1304 there is that decline and then a curve. So, therefore, even the visibility sometimes I think is not
1305 that clear and I have witnessed and have seen accidents where people were trying to get across
1306 that median going across that particular area. My concern, I guess, is the increase in traffic that
1307 will come. I think there needs to be better access. I think there was discussion at one time about
1308 having a road built from Parham Road and maybe going behind there to connect to the church. I
1309 don't know what happened with that. I see they have a second road now which will just allow a
1310 right turn. But, again, everybody that needs to go across and to south, there is still only one way
1311 to get out that particular way and I think most people are coming from the Richmond east or
1312 south areas. That was one of the concerns that I wanted to address. The other item pertains to
1313 the lighting and possibly a reduction in the intensity of the lights that are in the parking lot now.
1314 And, again, living directly across the street, those lights I think stay on all night. Even when the
1315 church activities are over. That's kind of bright, especially, like in my house. I don't want you to
1316 eliminate them because they need them for security and I understand that but maybe reduce them.
1317 Those are the two items that I had concern about.
1318
1319 Mr. Archer - Thank you, Mr. Kirby.
1320

1321 Mr. Saunders - My name is Jack Saunders, and I'm also an adjacent property owner. I live
1322 at the back where the exit and entering comes into Route 301. My concern is... When I went to a
1323 meeting last month I was told that there would be only one entering and existing to Route 301.
1324 And at that meeting, I understand that it was said that it was proposed to have another road to
1325 enter and exit that would meet behind the church to Parham Road. I would like to know. And
1326 please forgive, I'm not trying to go back into something that was said earlier, but I would like to
1327 know why that road was turned down earlier. To me, you have all this traffic coming in and out
1328 with 1975 parking spaces entering and existing. Why was the proposal in the past turned down or
1329 not proceeded with? Also, I'm now finding out that there is going to be another enter and exit
1330 right down below where there is one now. I feel like with 5000 seating capacity for a church and
1331 people trying to get from one side to another, Route 301, there should be consideration for
1332 getting a stop light or that type of thing. And, you have a neighborhood, let's say a new
1333 residential development of 400 to 500 homes, you should by all means have at least two entering
1334 and existing. But, you have, let's say 2000 to 4000 people entering and exiting all at the same
1335 time, to me it sounds very much like a complicated matter with people trying to get out and
1336 crossing Route 301. I hope some good consideration is given to that traffic situation. This will
1337 really impound on what's happening on Route 301, especially to Mr. Kirby's and my residence.
1338 And, I would appreciate that consideration. Thank you.
1339

1340 Mr. Archer - Thank you. Mr. Lewis, there are two issues here that we need to address.
1341 The first one is concerning the lighting. I don't know if this case would have much of an affect on
1342 lights that already exist, but perhaps you could expand a little bit on how you plan to control the
1343 lighting on this new portion. I know it was probably addressed in the zoning case but....
1344

1345 Mr. Lewis - It was addressed in the zoning case, and just to let everybody know, the
1346 lighting plan is not a part of this approval. That and the landscape plan will be coming in later.
1347 We did limit the height. It shall not exceed 25 feet at ground level. All exterior lighting on
1348 subject project shall be reduced to no greater than necessary for security levels within 20 minutes
1349 after conclusion of any night time activities on the premises. During zoning, I know they weren't
1350 in the process of doing it, but we did address those concerns. I would like to address the
1351 comments about the traffic, which is one of our greatest concerns also.
1352

1353 During zoning we had a traffic study done by Wilbur Smith & Associates. We wanted to put a
1354 traffic light at our intersection but County transportation did not allow that light. They didn't
1355 want to set precedence with having a light that's used only for restricted times, you know,
1356 Sundays, Wednesday night and maybe one other time during the week. This was not allowed by
1357 the County. The other access point coming down into the Chickahominy swamp and coming into
1358 Parham intersection, that was not turned down by the County. We have studied that and we are
1359 still considering that. It's a large amount of money right now that we can't afford to build. We
1360 have met with the County staff as far as, because that road does go through an RPA with the
1361 Chickahominy River. That is allowed to do, to meet with the staff, but at this time we don't have
1362 any plans to build that road. We would like to try to build it in the future if the funds are available
1363 because getting out to a light is a great benefit to us as well as the community.
1364

1365 The traffic study that Wilbur Smith performed, showed that the levels of activity at the two lights,
1366 down Parham and at Diane Lane, would not grade any lower than a Class B intersection, A being
1367 the highest, B, and then all the way down to F. Our left turn movements coming off site are the
1368 most restrictive. It doesn't take a traffic genius to figure that out. They did do an analysis on that
1369 where that is most restrictive. You have to cross two lanes and then wait for an opening, then
1370 cross, then get into traffic heading back to Richmond. We suspect that most people are going to
1371 see that that is a path of least resistance, take a right and probably do a U-turn down at the light at
1372 Parham Road to go on back to Richmond. Our analysis that we had, Wilbur Smith looked at it
1373 last week to see with 1000 spaces, when the peak time from 11 to 12 would basically double in
1374 our capacity right now with parking. The peak time from 11 to 12 would exit 390 vehicles. The
1375 rest would be filtering through on a slower basis but that would take an hour to discharge those
1376 amounts. The right in, right out, would help substantially, a little bit in that, but not a whole lot.
1377 The hold up for a lot of these people is turning left. That analysis of the hour was done without
1378 the second access out to 301.
1379

1380 Mr. Archer - Mr. Lewis, has any thought been given to having somebody monitor the
1381 traffic or at least lend assistance during the peak hours to assist people in getting in and out,
1382 particularly to cross Route 301?
1383

1384 Mr. Lewis - Yes, sir. We would very much like to have that, if it's allowed by the
1385 County and the Police Department, we would very much like to have a policeman that the church
1386 would pay for to direct traffic. That would help tremendously.
1387

1388 Mr. Archer - Is that allowed, Mr. Secretary? Would Todd know?
1389

1390 Mr. Lewis - I know right now they have a policeman at St. Michael's at Springfield
1391 Road to help them unload their lot.
1392

1393 Mr. Archer - Would you come up and help us out, please?
1394

1395 Mr. Eure - Good morning. I'm Todd Eure in Traffic Engineering. Would you like me
1396 to address your question first, Mr. Archer?
1397

1398 Mr. Archer - Yes, please.
1399

1400 Mr. Eure - As far as the police control at intersections, particularly churches and other
1401 functions, I know the County has been recently reviewing its policy and a large part is due to the
1402 problem and complaints they have had at St. Michael's Church. Whether that would be an option
1403 out here or not, certainly it would want to be consistent with their policies at other locations. I
1404 think they have some concerns about if they do it at one location then where would the requests
1405 stop and how do they draw the line on that. That is a policy they have paid a great attention to
1406 lately and I'm not sure what the end result is going to be.
1407

1408 Ms. Dwyer - Is the County policy not to allow a police officer to direct traffic even if the
1409 church paid the police officer?
1410
1411 Mr. Eure - Previously, that has been their policy. Even if the church pays for an off-
1412 duty officer, they have not approved that as an official policy. It has been done but not with the
1413 blessings of the Department.
1414 Mrs. Wade - I know it happens at my church during Christmas and Easter and special
1415 occasions there is a policeman involved.
1416
1417 Ms. Dwyer - I was just at a meeting last weekend which somebody at a local church said
1418 they had a police officer help assist them with their traffic. I was surprised to here this policy. I
1419 know there is another church that who does it but, perhaps, without the blessings of your
1420 department.
1421
1422 Mr. Eure - And I think because of the number of incidents that have occurred on a less
1423 than full approval basis, they have been reviewing the policy. I'm not sure what their current
1424 position on it is.
1425
1426 Mrs. Wade - On the zoning case when Grove Avenue got rezoned across the street for
1427 parking, they had to have some official traffic... they've never used the parking but in order to get
1428 that they had to agree to provide direction.
1429
1430 Mr. Archer - Thank you, Mr. Eure. Are there any questions of Mr. Eure? Are there any
1431 questions of Mr. Lewis?
1432
1433 Mr. Vanarsdall - I want to ask Mr. Lewis a question. There is no cross-over opposite the
1434 new driveway, how many feet down do you think that will be?
1435
1436 Mr. Lewis - Well, we are allowed a cross-over with that distance. The problem is that
1437 the two lanes are different elevations where we can't cross from one lane to the other because we
1438 exceed VDOT's slope requirements.
1439
1440 Mr. Vanarsdall - If I came out from a service and did like he suggested, go all the way
1441 across, I would have to go out how far down before I could make a U-turn?
1442
1443 Mr. Lewis - To Parham Road.
1444
1445 Mr. Vanarsdall - I would have to go all the way out to Parham?
1446
1447 Mr. Lewis - Yes, sir. I would say it's probably around 500 to 600 feet.
1448
1449 Mr. Archer - Is there anything else, sir?
1450

1451 Mr. Silber - Ms. News has something she would like to add, Mr. Chairman, if she
1452 could.

1453
1454 Mr. Archer - Sure, go on.

1455
1456 Ms. News - It was my understanding, in talking with Tim Foster of the Traffic
1457 Department, that, actually, VDOT controls putting a light at that intersection and not the County.
1458 In that, it was never a possibility that there would be a light at such time that traffic warranted a
1459 light. They would reevaluate the site and it possibly could be installed.

1460
1461 Mr. Archer - Okay. Thank you, Ms. News. Needless to say, this case has been around a
1462 long time. I think the zoning case took the better part of a year before we were able to get to a
1463 point where it was workable. It involved a lot of the assistance and cooperation of everybody
1464 that's involved in this. We realized the fact that there is a problem. Traffic is always a problem
1465 anyway when you have a large congregation of people. I guess the fortunate thing about this is, it
1466 is Sunday afternoon and not during evening rush hours on a workday. I wish the situation could
1467 be made more tenable but I don't know that now, at this point that it can be. And, I would
1468 certainly expect the cooperation that we have been getting from the church that they would be
1469 amenable to trying to address that as best they can if problems do arise in the future. Having said
1470 all that, I move to approve POD-8-98, Faith Landmarks Ministries, subject to the annotations on
1471 the plans, the standard conditions for developments of this type, and the addition of conditions of
1472 Nos. 23 through 33 with No. 32 being revised today.

1473
1474 Mr. Vanarsdall - Second.

1475
1476 Ms. News - Mr. Archer, can I add that there is a revised condition No. 32 on the
1477 addendum which says that the construction of the... the variance for the parking is required prior
1478 to construction of the future parking.

1479
1480 Mr. Archer - I mentioned that in my motion.

1481
1482 Ms. News - I'm sorry. I didn't hear you say that.

1483
1484 Mr. Archer - But, thanks for being so observant. Do I hear a second?

1485
1486 Mr. Vanarsdall - I seconded it.

1487
1488 Mr. Archer - Thank you, Mr. Vanarsdall. The motion was made by Mr. Archer and
1489 seconded by Mr. Vanarsdall. All in favor say aye....all opposed say nay. The motion passes.

1490
1491 The Planning Commission approved POD-8-98, Faith Landmarks Ministries (POD-44-91
1492 Revised), subject to the standard conditions attached to these minutes, the annotations on the
1493 plan, and the following additional conditions:

1494

- 1495 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1496 the County in a form acceptable to the County Attorney prior to any occupancy permits
1497 being issued.
- 1498 24. The entrances and drainage facilities on U. S. Route 301 shall be approved by the Virginia
1499 Department of Transportation and the County.
- 1500 25. A notice of completion form, certifying that the requirements of the Virginia Department
1501 of Transportation entrances permit have been completed, shall be submitted to the
1502 Planning Office prior to any occupancy permits being issued.
- 1503 26. The developer shall provide fire hydrants as required by the Department of Public Utilities
1504 in its approval of the utility plans and contracts.
- 1505 27. The certification of building permits, occupancy permits and change of occupancy permits
1506 for individual units shall be based on the number of parking spaces required for the
1507 proposed uses and the amount of parking available according to approved plans.
- 1508 28. Any necessary off-site drainage easements must be obtained in a form acceptable to the
1509 County Attorney prior to final approval of the construction plans by the Department of
1510 Public Works.
- 1511 29. Deviations from County standards for pavement, curb or curb and gutter design shall be
1512 approved by the County Engineer prior to final approval of the construction plans by the
1513 Department of Public Works
- 1514 30. Insurance Services Office (ISO) calculations must be included with the utilities plans and
1515 contracts and must be approved by the Department of Public Utilities prior to the issuance
1516 of a building permit.
- 1517 31. The approval of the construction plans by the Department of Public Works does not
1518 establish the curb and gutter elevations along the Virginia Department of Transportation
1519 maintained right-of-way. The elevations will be set by the contractor and approved by the
1520 Virginia Department of Transportation
- 1521 32. A variance for parking located in the front yard is required prior to construction of the
1522 “future” parking located on the R-2C portion of the property.
- 1523 33. Construction of the secondary access road to U.S. Route 301 is required with Phase 1
1524 construction of the project.

1525
1526 **THE PLANNING COMMISSION TOOK A SHORT BREAK AFTER THIS CASE**

1527
1528 **PLAN OF DEVELOPMENT**

1529
POD-18-98
Raintree Office
Village

Foster & Miller, P.C. for Billingsgate Realty Ventures and Virginia Classic Homes: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 11,305 square foot office building. The 1.6-acre site is located 600 feet south of Falconbridge Drive on the east line of Raintree Drive on parcel 78-A-19D. The zoning is B-1, Business District. County water and sewer. **(Tuckahoe)**

1530

1531 Mr. Archer - Is there anyone in the audience anyone in the audience in opposition to
1532 POD-18-98, Raintree Office Village? Thank you, ma'am. We will get to you in a few minutes.
1533 Mr. Strauss.

1534
1535
1536 Mr. Strauss - Thank you, Mr. Chairman. The applicant has provided a revised rear
1537 elevation as requested and I can distribute that to you now. Staff can recommend approval of the
1538 plans as annotated. And, of course, you can see we have a representative of the Raintree
1539 Association here this morning. The applicant's engineer is also here to answer any questions.

1540
1541 Mr. Archer - Are there any questions of Mr. Strauss? Ms. Dwyer, would you like to
1542 hear from the applicant?

1543
1544 Ms. Dwyer - Yes.

1545
1546 Mr. Archer - All right. Mr. Webster.

1547
1548 Mr. Webster - Good morning, Mr. Chairman, members of the Commission. I'm Gary
1549 Webster with Foster & Miller representing the applicant, Virginia Classic Homes. Mr. Tom
1550 Hood, who's here today, on this agenda item for your consideration this morning. We met with
1551 the staff at the staff/developers meeting. We are in concurrence with their suggestions. We have
1552 no qualms with what they would prefer for us to do. This morning when we got to the meeting,
1553 much to our surprise, there was about six people here who are interested. They had gotten the
1554 notification and they were concerned, as anybody should be when a letter comes out about a
1555 proposal in your neighborhood. We spent about an hour outside with them. I believe their
1556 concerns were founded mainly in landscaping and lighting. They want very much to have some
1557 input in the landscape and lighting, and I offered as a suggestion that we could bring the landscape
1558 and lighting plan back to the Commission. I have secured a list of the names and addresses of
1559 people that were here. Names and addresses for us to notify when we start the landscape plan
1560 process so that we can gain their input support before we come before the Commission. And I
1561 think realizing that, this is a B-1 zoning with no proffers on it. Any use allowed in your B-1
1562 ordinance could be proposed. What we are proposing, I believe is, I think, perceives to be the
1563 best of what they could hope for. With that, I'd be glad to try to answer any questions and I
1564 would respectfully request favorable consideration for this request.

1565
1566 Ms. Dwyer - So, you plan to definitely meet with the neighbors and show them your
1567 proposed landscape plan before the next Commission meeting so they will have an opportunity to
1568 make their comments.

1569
1570 Mr. Webster - Before the, not the next Commission meeting, before the plan would come
1571 before the Commission, before the landscape and lighting plan to come.

1572
1573 Ms. Dwyer - Right. That's what I mean, before you come to the Commission again.

1574

1575 Mr. Webster - Yes, ma'am.

1576
1577 Ms. Dwyer - Thank you. Let me ask one question on these revised architectural. It
1578 shows a typical side elevation with a door. My concern about that was this building is fairly close,
1579 although it's within the County ordinance requirements, it is fairly close to the southern property
1580 line. It seems to me it would be better not to have a door on that end so you would not be
1581 attracting foot traffic closer to the neighborhood. Can you make a commitment about that at this
1582 time?

1583
1584 Mr. Webster - Mr. Hood is more familiar with the architectural elevations then I am, but I
1585 believe this door is meant to be on the side next to Billingsgate, not the side next to the
1586 residential.

1587
1588 Mr. Hood - Correct.

1589
1590 Mr. Webster - By virtue of the topography out there it slopes off relatively severe and a
1591 door out that way I don't think would be of much good. So, no ma'am, we are not proposing a
1592 door on the side of the residences.

1593
1594 Ms. Dwyer - I didn't see a walkway there with access to it anyway. I just wanted to
1595 confirm that. Thank you.

1596
1597 Mr. Archer - Are there any further questions? I believe we had some opposition.

1598
1599 Ms. Martin - I'm Ruth Martin. I'm president of the Raintree Association. The Raintree
1600 Association encompasses over 1,100 homeowners. This property is going to be in close
1601 proximity to four of our communities. Raintree Villas, which when you are standing facing the
1602 building would be on the right, and actually back close, very close, to the property, Raintree
1603 Commons which are condominiums, which are behind and unfortunately a lot of the people would
1604 look out their front window and look at the rear of the building. Then we have Fox Fire
1605 Homeowners Association. That's a townhouse community and Ivy Stone Village townhouse
1606 community across the street on Raintree Drive. I'm sure all of you are aware of that but I just
1607 wanted to point that out. We have known for quite a long time that it was zoned B-1. We know
1608 that in the past there was some interest in building two buildings over there with some possible
1609 store outlets. We realize that, as the engineer said this might be better than what we could have
1610 hope for. Our concern mostly is with the visual and sound buffering and the traffic on Raintree
1611 Drive. I know that the Villas and Raintree Commons are very anxious to have the County
1612 Planning Commission look at the sound and visual buffering. The building and the engineer have
1613 agreed to meet with us regarding the landscape plan. We are not really as astute in some of this
1614 landscaping and lighting as the Commission is and we really ask for your help.

1615
1616 Also I want to speak on the traffic of Raintree Drive. We have a lot of traffic. Over the years the
1617 County Police Department has been extremely helpful to us in monitoring the speed. It's 35 mph
1618 up and down Raintree Drive and unfortunately that can sometimes be 50 mph and up. They have

1619 been very, very, helpful to us. Anytime we have asked they have come out and put the radar up.
1620 Over the years we have tried to get it 25 mph and we've been turned down many, many, times.
1621 This is a community with a lot of people, a lot of children, walking to the Raintree swimming and
1622 racquet club, walking down the street. We don't have sidewalks and we have a lot of traffic. So,
1623 naturally when I'm looking at an office building coming with 45 parking places. That's more
1624 traffic we are going to have on Raintree Drive. So, that is another one of our concerns.

1625
1626 The Raintree Commons people this morning have commented about the trash bins that's going to
1627 be right out front of their front doors. We are very concerned in not having someone who just
1628 move in a lovely condominium and look out their front door and see a trash bin. So, those are
1629 some of our other concerns. Naturally, we would have hope that the look of the building would
1630 have been more in keeping with the Raintree complex. I didn't see the plans until this morning. I
1631 remembered when they were built we asked that they be low slung and they were done in the
1632 wood with the cedar (unintelligible). They sort of just hugged right in there and no one really
1633 noticed them. They have been very pleasant to deal with over the years. This is a different
1634 structure. It's a brick front and it looks totally different then anything we have. Apparently, it
1635 may be too late to do anything about it, but I feel like for my association I really had to speak to
1636 that. So, I'm just here to voice our concerns and ask for your help in trying to help us reach a
1637 good decision about the concerns that we have addressed today. Thank you very much.

1638
1639 Mr. Vanarsdall - Ms. Martin, have you and the neighbors known about this for quite some
1640 time?

1641
1642 Ms. Martin - No. We just got the letter.

1643
1644 Mr. Vanarsdall - When did you get the letter?

1645
1646 Ms. Martin - I got the letter at my house two days ago. The association got the letter
1647 one week ago. It went to our post office box. But, I just as a neighbor... I live, actually, going
1648 into Ivy Stone Village, I'm right that. I'm going to be looking at it too, but I'm here speaking for
1649 the entire association.

1650
1651 Mr. Vanarsdall - We don't normally advertise... When it's rezoning we have a sign that the
1652 County puts up, a blue and white sign. We don't advertise PODs, but I just thought if you had
1653 heard about it earlier you could have talked to Ms. Dwyer about it or even call Mrs. O'Bannon.

1654
1655 Ms. Martin - We didn't hear of it... In fact, the sign is still there for sale. There is
1656 nothing there that says contract pending like I'm used to in the real estate business, which gives
1657 everybody an alert that we might have a contract. I didn't know until two days ago when it came
1658 to my house.

1659
1660 Mrs. Wade - Ms. Martin. I know Raintree has fairly old sections and has been well
1661 planned and there is some mix use, is there no covenants in there that would be related to
1662 construction or building that goes in?

1663
1664 Ms. Martin - Our covenants, we have 14 sets of covenants in Raintree. I really couldn't
1665 answer that question. I would have to get Tom Eubanks are Raintree Association lawyer to
1666 answer that.
1667
1668 Mrs. Wade - Of course, we don't enforce those, but I thought there might be something
1669 that would apply to some of this B-1.
1670
1671 Ms. Martin - Around there, both the Ivy Stone Village, Fox Fire, Raintree Commons,
1672 and Raintree Villas all have their separate sets of covenants dealing with theirs. That's how the
1673 community is set up.
1674
1675 Ms. Dwyer - So you don't know if this B-1 piece might be governed by covenants as
1676 well?
1677
1678 Ms. Martin - We would have to contact Tom Eubank. He's the lawyer for the Raintree
1679 Association.
1680
1681 Mr. Archer - Thank you, Ms. Martin. Is there anyone else in opposition?
1682
1683 Ms. Dwyer - I wonder if I could ask a question of Mr. Hood. I appreciate that this is a
1684 B-1 piece of property and that we are looking at an office which is a much-improved use of the
1685 property, I'm sure as far as the neighbors are concerned. There have been a couple of questions
1686 raised and I'm wondering if you would have an interest in deferring your case for a month to
1687 consider perhaps whether there are any covenants or maybe have you checked to see if there are
1688 any covenants that would govern the architectural design. One of the suggestions was that
1689 perhaps the materials could be more natural wood kinds of materials as opposed to the brick and
1690 vinyl. I don't know if that is something you would consider. I'm not suggesting that you change
1691 the design of your building but perhaps use different materials.
1692
1693 Mr. Hood - What we are trying to do is match some of the existing homes that around
1694 there as well. There are actually two different siding, directly around this piece of property.
1695 There's a vinyl, I believe, beaded siding on one side and behind it's a T-11 type of siding which is
1696 somewhat different. So, what we are trying to do is go to a fairly maintenance free type of siding
1697 and still keep something that will blend, what we thought, in easily with the surrounding area. We
1698 put the brick in front because we felt that was not only a nice look but also considered an upgrade
1699 as well and obviously that's maintenance free. I'd be glad to look at it. We don't have any real
1700 time restriction on it. We've got some people that are somewhat anxious to... and we don't
1701 have any contractual time restriction per se, but we do have some people who are interested in
1702 moving along with it. As far as any restrictive covenants to that particular piece, I'm not aware of
1703 any, but I can't swear that there isn't any.
1704
1705 Mr. Vanarsdall - Well, you don't have any objection to deferring it for 30 days.
1706

1707 Mr. Hood - If that's what we need to do, then we will do that.
1708 Ms. Dwyer - I hadn't heard from any of the neighbors and obviously their mail notices
1709 just came a few days ago and they didn't have an opportunity to work with either one of us.
1710 There are just a couple of outstanding issues. The location of the dumpster perhaps that could be
1711 adjusted somewhat. You can take a look again at the building materials. I understand that the
1712 vinyl is compatible with what's around and the brick is a nice material. I don't have a problem
1713 with that but perhaps it would be nice to hear what the neighbors have to say about that. And, we
1714 could also be working on the landscape and lighting, certainly the lighting, maybe move ahead on
1715 that to the extent that that's possible, probably not the landscaping but the lighting we could look
1716 at. So, if you are amenable to that, I'd be glad to meet with you and the neighbors and just have a
1717 pow wow about that. I appreciate your consideration on this. So, with that I move that we defer
1718 POD-18-98 to our March 24, 1998, meeting, at the applicant's request.

1719
1720 Mr. Vanarsdall - Second.

1721
1722 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall. All
1723 in favor say aye...all opposed say nay. The motion passes.

1724
1725 At the request of the applicant, the Planning Commission deferred POD-18-98, Raintree Office
1726 Village, to its meeting on March 24, 1998.

1727
1728 **PLAN OF DEVELOPMENT**

1729
POD-21-98 **Wingate & Kestner, P.L.C. for Bertozzi Family Limited Partnership:**
Ranco Road Request for approval of a plan of development, as required by Chapter 24,
Office/Warehouse Section 24-106 of the Henrico County Code to construct a one-story, 82,400
square foot office/warehouse. The 17.6-acre site is located on the northern
terminus of Ranco Road on part of parcel 71-A-91F. The zoning is M-1,
Light Industrial District. County water and sewer. **(Brookland)**

1730
1731 Mr. Archer - Is there anyone in the audience in opposition to POD-21-98, Ranco Road
1732 Office/Warehouse? We have opposition. Mr. Strauss.

1733
1734 Mr. Strauss - Thank you, Mr. Chairman. The applicant has worked extensively with the
1735 Old Hermitage Subdivision Association, which is adjacent to the proposed development. The
1736 staff has met on site on a number occasions to discuss adequate buffering for this proposed
1737 development. Staff has reviewed the application and can recommend approval in accordance with
1738 the additional conditions as contained in this morning's addendum, on page 2 of your addendum.
1739 They relate primarily to choice of building color, the location of the proposed 10-foot fence, and
1740 the preservation of existing trees around the fence which will be done with the homeowners
1741 participation by way of flagging the fence location in the field. I believe Sherri Hunt is here
1742 representing the adjacent homeowners, who may have some additional concerns. And, I'm here
1743 to answer any questions you may have.

1744 Mr. Archer - Are there any questions of Mr. Strauss by Commission members?

1745
1746 Mr. Vanarsdall - Mr. Strauss, we had a question come up this morning after the lady, Mrs.
1747 Miller, who spoke on another case, Villa Park III, and asked about the outside speakers.
1748
1749 Mr. Strauss - I did have a chance to mention that to the applicant and he did not propose
1750 or envision the use of outdoor speakers in this project. So, I imagine we could make that an
1751 additional condition.
1752
1753 Mr. Vanarsdall - I would like to make that condition No., whatever it is, No. 36.
1754
1755 Mr. Strauss - Number 36, right.
1756
1757 Mr. Vanarsdall - Mr. Secretary, you can word it for me. There will be no outside public
1758 address systems and they should only be audible at the property line. I would like to make that a
1759 condition. Mr. Bertozzi didn't have a problem with it. He just said he wouldn't be using them,
1760 but we don't know who will be going in the building, so we don't know who is going to use it.
1761
1762 Mr. Strauss - I see that Mr. Bertozzi is nodding his head in agreement. So, that doesn't
1763 appear to be a problem for condition No. 36.
1764
1765 Mr. Archer - Are there any other questions of Mr. Strauss? Okay, Mr. Vanarsdall,
1766 would you like to hear from the applicant?
1767
1768 Mr. Vanarsdall - Yes, sir.
1769
1770 Mr. Archer - Would the applicant come forward, please.
1771
1772 Mr. Kestner - Mr. Chairman, members of the Commission. I'm Andy Kestner and I'm
1773 representing the applicant. We accept staff's conditions as recommended and I'd be happy to
1774 answer any other concerns you may have.
1775
1776 Mr. Vanarsdall - Mr. Kestner, have you seen the revised proffers (sic) from the addendum
1777 this morning Nos. 30, 32 and 35?
1778
1779 Mr. Kestner - Yes, sir.
1780
1781 Mr. Vanarsdall - And you are in agreement with those?
1782
1783 Mr. Kestner - Yes, sir.
1784
1785 Mr. Vanarsdall - Do you have any objection to No. 36?
1786
1787 Mr. Kestner - No, sir.
1788

1789 Mr. Vanarsdall - And the only issue we have, I think we only have one more issue, but I'll
1790 wait until Mrs. Hunt speak and then I'll get back with you on that. I appreciate your help.

1791
1792 Mr. Archer - All right. We have some opposition. Come right on up and state your
1793 name.

1794
1795 Mrs. Hunt - I'm Sherri Hunt a resident of Old Hermitage Subdivision and also on the
1796 Board of Old Hermitage Homeowner Association. We are very concerned about the
1797 development and I'm sure you all are aware of that. It's very close to our subdivision line. The
1798 building itself will be within 80 feet. We are really concerned about the potential decrease in
1799 property values. One of the issues that we are concerned about is the building of a barrier fence.
1800 We think the barrier fence is very important and it is one of the conditions. Right now it's
1801 proposed to just be built as soon as the construction begins to get within 120 feet of the
1802 subdivision line. We would like to see that moved further away from the subdivision line, at least
1803 200 feet away. If it gets any closer than that it starts becoming a security and safety issue to the
1804 children and residents on the street that are very affected by this.

1805
1806 Mr. Vanarsdall addressed another concern we had which was the loud speakers. HVAC systems
1807 were discussed in a previous meeting with Mr. Bertozzi and he agreed and it's not in the plan, as
1808 far as I'm aware, that he would not have any rooftop HVAC units and if and when any were put
1809 in the building that they would be screened for sure for many of the residents view. That's not in
1810 there and we would like to see that added. Also, Mr. Bertozzi represented that there would not
1811 be any semi trailers used for transportation into or out of the building site. We would like to have
1812 that also as a condition of the development. One other thing was the hours of operation of the
1813 building itself. We don't know who the tenant is going to be but we would like to see some kind
1814 of restriction, if at all possible, on the hours of operation. And I would like to express the
1815 Homeowners Association's gratitude to Mr. Vanarsdall and Mr. Strauss for all their help in
1816 clarifying the issues for us. Thank you.

1817
1818 Mr. Archer - Is there any other opposition? Mr. Vanarsdall.

1819
1820 Mr. Vanarsdall - Mr. Strauss, do you want to address those issues she just talked about?

1821
1822 Mr. Strauss - Well, the heating and ventilation and air conditioning equipment, we did
1823 mention that in the staff developers meeting and it was discussed in the field in one of our
1824 meetings, that there was no equipment proposed on the rooftop.

1825
1826 Mr. Vanarsdall - And Mr. Bertozzi said from the beginning that he wouldn't have anything
1827 on the roof. And any thing he had would be on the ground.

1828
1829 Mr. Strauss - I would suggest, just for insurance that he add that as condition No. 37. In
1830 regards to the hours of operation and tractor trailer, I would have to defer to the applicant or the
1831 applicant's engineer. They had not envisioned this being a condition, because some of the tenants
1832 may... Well, it's hard to predict what hours they may want to operate. There are no hours of

1833 operation stipulated as part of the zone M-1. And their use of tractor trailers, we discussed the
1834 site plan at time of staff developer with Todd Eure of Traffic and the discussion came up as to the
1835 adequacy of the site to circulate tractor trailers. It wasn't envisioned that there would be a lot of
1836 tractor trailers in these uses. But, from my indication, Mr. Bertozzi would be uncomfortable
1837 limiting his prospective tenants by having a condition saying no tractor trailer trucks, so that could
1838 be a problem.

1839
1840 Mr. Vanarsdall - I do know that we do have some places in the County, one of them is B.
1841 W. Wilson Trucking Company. No matter how much they try to limit the kind of vehicles that
1842 come in, they can't do it. They had two vehicles that look like they were too long for the
1843 highway that came in from Nevada and they couldn't unload in the street and they couldn't unload
1844 so they had to be there. So, I think we will have trouble legally enforcing that.

1845
1846 Mr. Strauss - I agree, and in regards to Mrs. Hunt's first observation about the condition
1847 about the fence. Staff had proposed in its condition that the fence be built when land disturbance
1848 occurred within a 120 feet of the property line. I have walked the site and there are a lot of trees
1849 out there. I thought that was a reasonable condition. She just mentioned that the homeowners
1850 would now prefer to have it moved to 200 feet. Because the on-site earth work which has to be
1851 done, requires them to balance on site, it's costly to haul the cut off-site without maintaining it
1852 same on-site. So, they would prefer to do what they can and then have the fence constructed at
1853 120 feet and the land disturbance within 120 feet, but there may be a last minute observation from
1854 the engineer, that maybe they would be amenable to the 200. We would have to ask the engineer
1855 in that regard.

1856
1857 Mr. Archer - Thank you, Mr. Strauss. Do you want to ask Mr. Kestner about that, Mr.
1858 Vanarsdall?

1859
1860 Mr. Vanarsdall - Yes, sir.

1861
1862 Mr. Kestner - We are willing to go ahead and amend No. 33 to a distance of 200 feet
1863 instead of 120.

1864
1865 Mr. Vanarsdall - So, you know where we are on our revisions and adding and subtraction
1866 and all of that?

1867
1868 Mr. Kestner - Yes, sir.

1869
1870 Mr. Vanarsdall - And I do thank you for your help.

1871
1872 Mr. Kestner - Thank you.

1873 Mr. Archer - Are there any further questions? All right, Mr. Vanarsdall.

1874
1875 Mr. Vanarsdall - We had several meetings over on this site with the neighbors, Mrs. Hunt
1876 and Christian Durette who is the president, who had to leave, and some of the other ladies and

1877 gentlemen. We also one Saturday for three or four hours walked the fence back there. And the
1878 kind of fence that Mr. Bertozzi has agreed to, which if you talk to him, he will tell you it's going
1879 to bankrupt him, but it really isn't, is it? It has a larger post than usual and it's not one of these
1880 stockade fences that "Custer" would feel at home behind. He has given and taken with the
1881 neighborhood and the neighborhood has been very nice and they have stuck together, and I
1882 appreciate all of their help and I appreciate your help, Jim. While I know that Sonny felt like we
1883 were twisting his arm sometime, he did come through so I appreciate the effort. I think with the
1884 help of Andy and the architect and his son Vince, I think you all made a good case out of it. So,
1885 with that, I'd like to see if we can get all of these conditions together. First of all, I would like to
1886 have Nos. 9 and 11 amended. I think we can do better if we could bring those back because
1887 that's what we did to the warehouse next door. Then, I would like to move that POD-21-98 be
1888 approved with Nos. 9 and 11 amended, then No. 23 through, I believe we are now up to 37.

1889
1890 Mr. Silber - Yes, sir.

1891
1892 Mr. Vanarsdall - All right. And we will have a revised....

1893
1894 Mrs. Wade - What was No. 36?

1895
1896 Mr. Silber - Number 36 would read along the lines, "There shall be no outside speakers
1897 permitted on the property that would be audible at the property line." And No. 37 would be
1898 "There shall be no HVAC equipment placed on top of the buildings constructed on this property.

1899
1900 Mr. Vanarsdall - Then we have No. 30 from the addendum revised, No. 32 from the
1901 addendum revised. We have No. 35 added, about the trees. Then we have Nos. 36 and 37.
1902 Insofar as the hours, Mrs. Hunt, there is no way we can limit the hours on this because it's an
1903 unconditioned case. There are no conditions whatsoever on it. So, I wouldn't feel like we could
1904 do that. However, if it gets out of hand or something if you would just call me and we will get
1905 together with Mr. Bertozzi. So, that's my motion.

1906
1907 Mr. Silber - She may have another question.

1908
1909 Mrs. Hunt - I have one other thing. On the air conditioning, is there anyway we can say
1910 that the air conditioning units be in the front of the building away from the resident's view? I
1911 think we said we wouldn't have it on the rooftops but....

1912
1913 Mr. Vanarsdall - We added the worded screening and that condition No. 37.

1914
1915 Mr. Strauss - Screening for the air condition where ever they are, but not on the rooftop.

1916
1917 Mr. Silber - They will not permitted on the rooftop. They will be on the ground and
1918 they will have to be screened.

1919
1920 Mr. Archer - Is that your motion, Mr. Vanarsdall?

1921

1922 Mr. Vanarsdall - Yes, sir.

1923

1924 Mr. Archer - Okay. Do I have a second?

1925

1926 Mr. Zehler - Second.

1927

1928 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler. All
 1929 in favor say aye...all opposed say nay. The motion passes.

1930

1931 The Planning Commission approved POD-21-98, Ranco Road Office/Warehouse, subject to the
 1932 standard conditions attached to these minutes, the annotations on the plans and the following
 1933 additional conditions.

1934

1935 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
 1936 review and Planning Commission approval prior to the issuance of any occupancy permits.

1937 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
 1938 depictions of light spread and intensity diagrams and fixture mounting height details shall
 1939 be submitted for Planning Office review and Planning Commission approval.

1940 23. The limits and elevations of the 100 year frequency flood shall be conspicuously noted on
 1941 the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate
 1942 floodplain as a "Variable Width Drainage & Utility Easement."

1943 24. The required building setback shall be measured from the proposed right-of-way line and
 1944 the parking shall be located behind the proposed right-of-way line.

1945 25. The developer shall provide fire hydrants as required by the Department of Public Utilities
 1946 in its approval of the utility plans and contracts.

1947 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
 1948 approved by the County Engineer prior to final approval of the construction plans by the
 1949 Department of Public Works.

1950 27. Insurance Services Office (ISO) calculations must be included with the utilities plans and
 1951 contracts and must be approved by the Department of Public Utilities prior to the issuance
 1952 of a building permit.

1953 28. The approval of the construction plans by the Department of Public Works does not
 1954 establish the curb and gutter elevations along the Henrico County maintained right-of-
 1955 way. The elevations will be set by Henrico County.

1956 29. The proposed buildings would be located no less than 80 feet from Old Hermitage
 1957 Subdivision as shown on the annotated staff plans dated February 24, 1998.

1958 30. The buildings can be metal; the color is to be approved by the president of the Old
 1959 Hermitage Subdivision Homeowners Association, prior to the issuance of a building
 1960 permit.

1961 31. A ten-foot-high wood fence is to be extended from the existing ten-foot-high wood fence
 1962 at Phase One (the same design as Phase One Fence – with an option to use 6 x 6 posts),
 1963 and tie into the northern end of the proposed building.

- 1964 32. The fence location will be at least 50 feet (more or less) from the property line of Old
 1965 Hermitage Subdivision and be located in order to avoid existing trees to the extent
 1966 possible. The location of the fence shall be staked or flagged in the field. And the fence
 1967 location to be approved by the president of the Old Hermitage Subdivision Homeowners
 1968 Association prior to construction.
- 1969 33. The fence shall be constructed when land disturbing activities occur with 200 feet of the
 1970 Old Hermitage Subdivision.
- 1971 34. The maximum height of the buildings will not exceed 22 feet at the roof peak.
- 1972 35. No existing trees are to be removed during flagging operations. However, minor
 1973 understory and underbrush may be removed to enable surveying to take place for the
 1974 flagging or the fence location.
- 1975 36. Outdoor speakers must not be audible at the property line of adjacent residential property.
- 1976 37. Mechanical equipment will not be placed on the roof of the buildings and must be
 1977 adequately screened at ground level.
- 1978

1979 **PLAN OF DEVELOPMENT (Deferred from the January 27, 1998, Meeting)**

1980

POD-13-98

Colonnades West
 (POD-118-96 and
 POD-27-96 Rev.)

Balzer & Associates for Wilton Partners Broad Street, LLC: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 136,000 square foot shopping center. The 14.7 acre site is located at the northwest corner of West Broad Street (U.S. Route 250) and Cox Road on parcel 48-A-47. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

- 1981
- 1982 Mr. Archer - Is there anyone in the audience in opposition to POD-13-98, Colonnades
 1983 West? No opposition. Mr. Wilhite.
- 1984
- 1985 Mr. Wilhite - The site plan that was approved at your January meeting was a revision of
 1986 two previous PODs already approved on the shopping center site, but the architectural drawings
 1987 were deferred until this month's meeting in order for us to have a chance to meet further with the
 1988 applicant to discuss the architecture on the site. That meeting occurred last week and we did
 1989 reach an agreement to the design of two buildings out there. The proposed Shoe Carnival and
 1990 Marshall's buildings. The agreement was made, in order to break up the continuous façade on the
 1991 southern part of the building, to continue the colonnade feature that appears on the front and also
 1992 at the Comp USA and Office Max buildings around on the southern side at the eastern corner.
 1993 Also for the CVS Pharmacy building which is located at the corner of Cox Road and Broad
 1994 Street, it was agreed that the roof over the entrance would be changed to a 6 to 12 pitch which
 1995 was originally approved on their prior POD and matches other building on the site. However, in
 1996 discussions on the building along Cox Road at the Cox Road entrance onto the site, we were not
 1997 able to reach an agreement. The applicant wanted to have some more time to do some revisions
 1998 to these architectural designs and, therefore, has asked that the consideration of the architectural
 1999 drawings for that building be deferred for another month. But, he is requesting approval of the
 2000 architectural design of the Marshall's Shoe Carnival building, and the CVS Pharmacy. The

2001 conditions that were approved with the site plan last month would continue to apply to this
2002 project.

2003
2004 Mr. Archer - Thank you, Mr. Wilhite. Are there any questions of Mr. Wilhite?

2005
2006 Mrs. Wade - Mr. Wilhite, do you know if they intend to dispense food thru the drive-
2007 thru window here? I know on another case something about only pharmaceuticals should go out
2008 through the drive thru and I was just wondering if they might plan on dispensing food through this
2009 one.

2010
2011 Mr. Wilhite - The CVS Pharmacy?

2012
2013 Mrs. Wade - Yes.

2014
2015 Mr. Wilhite - I had no indication that they were considering anything like that.

2016
2017 Mrs. Wade - Okay. Thank you.

2018
2019 Mr. Archer - Mrs. Wade, do you need to hear from the applicant?

2020
2021 Mrs. Wade - No, not unless you are with CVS. I will mention, for future reference, that
2022 we don't have the lighting plan up for discussion today, but there are some unshielded wall packs
2023 on a CVS elsewhere in the West End. The wall packs were not approved with the lighting plan
2024 and I just want to mention to you now that if you plan on wall packs that they need to be shielded
2025 on the building. That's all. Are you all in accordance with what Mr. Wilhite said? They indicated
2026 that they are. All right. Thank you. I move POD-13-98, the architectural that we are to
2027 approve today, as described by Mr. Wilhite on the end building there, and I think we agreed to
2028 defer, not officially defer, but put off action on the loading screen until landscape plan when we
2029 can see exactly how the building looks and relates to what's there on the south of it. Thank you.
2030 The last time we amended Nos. 9 and 11 and there was Nos. 23 through 29 on the agenda last
2031 time, which we have already approved but I move that the architecture plans be deferred except
2032 for the building at Cox and the entrance here which is supposed to be, I believe, a Hard Times
2033 Café, and that that be deferred until the 24th of March. Thank you.

2034 Mr. Silber - To clarify for my understanding here. Everything is going....

2035
2036 Mrs. Wade - We have approved everything except the Hard Times Café.

2037
2038 Mr. Silber - Everything is being recommended for approval or being approved with the
2039 exception of the architectural for the Hard Times Café.

2040
2041 Mrs. Wade - Yes.

2042
2043 Mr. Silber - Is that correct, Mr. Wilhite?

2044

2045 Mr. Wilhite - Yes. The Hard Times Café and the adjacent retail space; a single building.

2046

2047 Mr. Silber - The attached retail space?

2048

2049 Mr. Wilhite - Yes.

2050

2051 Mr. Zehler - Second.

2052

2053 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Zehler. All in
2054 favor say aye...all opposed say nay. The motion passes.

2055

2056 Mrs. Wade- Here, again, we are dealing with people all over the country so it takes a
2057 little longer some times.

2058

2059 The Planning Commission approved POD-13-98, Colonnades West (POD-118-96 and POD-27-
2060 96 Revised) on the architectural deferred from the January 27, 1998, meeting. The architectural
2061 for the Hard Times Café and adjacent retail space was deferred to the March 24, 1998, meeting.
2062 Mr. Donati was absent.

2063

2064 **LIGHTING PLAN (Deferred from the January 27, 1998, Meeting)**

2065

LP/POD-93-97

Exxon –

Lauderdale Square

TIMMONS: Request for approval of a lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 1.07 acre site is located on the east line of Lauderdale Drive, 750 feet north of Church Road on parcel 56-10-2P and part of 56-10-2S. The zoning is B-2C, Business District (Conditional) (**Three Chopt**)

2066

2067 Mr. Archer - Is there anyone in the audience in opposition to the lighting plan for
2068 LP/POD-93-97, Exxon – Lauderdale Square?

2069

2070 Mr. Shunk - Sir, I would like to hear what changes have been made and then determine
2071 if I have any opposition.

2072

2073 Mr. Archer - All right. Thank you, sir. Mr. Whitney.

2074

2075 Mr. Whitney - Thank you, Mr. Chairman. The Planning Commission asked that this case be
2076 deferred because of the issue of the canopy lighting. The applicant has submitted to us new
2077 photometrics and new lighting fixture details that were just handed out to you. The canopy
2078 lighting, 24 fixtures, have been reduced to 250 watts. I'll point out to you that the photometrics
2079 under the canopy have been reduced significantly than what was shown on the previous plan. We
2080 are in the neighborhood of 35 to 45 foot candles directly underneath the canopy. The fixture will
2081 be a flat lens fixture and I believe that's all of the changes that have been made on this revised
2082 plan. I will be happy to answer any questions you may have at this time.

2083

2084 Mr. Archer - Are there any question of Mr. Whitney?
2085
2086 Ms. Dwyer - What were the foot candles before, last month, under the canopy?
2087
2088 Mr. Whitney - In the 60 to 70 range.
2089
2090 Mrs. Wade - This plan is dated staff plan 2-24-98.
2091
2092 Mr. Whitney - That's correct.
2093
2094 Mrs. Wade - I don't have any other questions of you but I do want to ask the applicant
2095 or his applicant a question.
2096
2097 Mr. Mignardi -My name is Luigi Mignardi and I'm with TIMMONS.
2098
2099 Mrs. Wade - And you indicated that you all are looking at reducing the lights to a
2100 security level at the close of business and we are not sure when the close of business is going to
2101 be yet, because we understand it can be midnight but it may not be and that you are going to work
2102 with Police about what they think is a safe level there.
2103
2104 Mr. Mignardi -That's right. A representative from Exxon said that they will contact Police and
2105 check on what would be adequate for lighting on security.
2106
2107 Mrs. Wade - You might discuss that with Mr. Whitney when that is determined. Thank
2108 you.
2109
2110 Mr. Silber - There is reference here to a flat lens, what I understand to be a recessed
2111 lighting fixture. It's flush with the bottom of the canopy, is that correct?
2112
2113 Mr. Mignardi -That's correct.
2114
2115 Mr. Archer - Okay. Are there any further questions of Mr. Mignardi?
2116
2117 Mrs. Wade - Were the neighbors questions answered? Sir, would you come up to the
2118 mike?
2119
2120 Mr. Davis - My name is Everett Davis and I live in Bexley Court which is going to be
2121 right behind this Exxon station. I was wondering how many tall lights are going to be on this site?
2122
2123 Mr. Silber - Mr. Whitney, could you or the applicant answer that?
2124
2125 Mr. Mignardi -There will be eight pole lights.
2126
2127 Mr. Davis - How high?

2128
2129 Mr. Whitney - Excuse me. I can answer that question. Previously, the first plan had a pole height
2130 of 16 feet and when I reviewed the minutes for last month's meeting, Mr. Mignardi represented
2131 that they were 18 feet in height and the second page of your revised plan, I have indicated 18 foot
2132 fixture mounting height.
2133
2134 Mrs. Wade - And that's to be concealed source?
2135
2136 Mr. Whitney - Yes, that's correct.
2137
2138 Mrs. Wade - I assume, similar to what else is in the shopping center. Is this accurate?
2139
2140 Mr. Whitney - I think they are different fixtures to what's in the shopping center. I think this is a
2141 better fixture than what's there.
2142
2143 Mrs. Wade - Oh. Okay.
2144
2145 Mr. Davis - Thank you, sir.
2146
2147 Mr. Archer - Are there any further questions?
2148
2149 Mr. Whitney - Mrs. Wade, thank you for that reminder. I do have that condition on the security
2150 level lighting, I believe on your addendum, or is it on the agenda? I'm sorry, it's on the agenda.
2151 It's condition No. 4.
2152
2153 Mrs. Wade - Okay.
2154
2155 Mr. Archer - There was a gentleman in the back that indicated he had a question. Did
2156 that answer your question?
2157
2158 Mrs. Wade - I believe they are all together.
2159
2160 Mr. Shunk - I'm Bob Shunk. I'm on the Board of Worthington Hills Homeowners
2161 Association. What I would like to ask the gentlemen is why do they need eight lights. What is
2162 the height of those lights?
2163
2164 Mr. Whitney - Eighteen feet.
2165
2166 Mr. Shunk - And they are shoebox?
2167
2168 Mr. Whitney - Yes.
2169
2170 Mr. Shunk - Why do they need eight.
2171

2172 Mr. Whitney - Two at each entrance, here. Two on this side where the fueling will take place and
2173 then one on each side of the car wash.

2174
2175 Mrs. Wade - What is the wattage on those lights, Mr. Whitney?
2176

2177 Mr. Whitney - Mr. Mignardi may have to answer that for me.
2178

2179 Mr. Mignardi - They are 400 watts.
2180

2181 Mr. Whitney - That's right. They are 400-watt fixtures.
2182

2183 Mrs. Wade - What is the wattage then at the property line of this site? Do you know,
2184 Mr. Whitney?

2185
2186 Mr. Whitney - That's what this photometric should indicate. The schedule summary shows a
2187 CTM fixture and down the bottom there it's showing it's 400 watt which matches what's on the
2188 specification. That's on page two.
2189

2190 Mrs. Wade - Do you have the foot candle figure for the perimeter of the station?
2191

2192 Mr. Whitney - Just what's indicated on this photometric.
2193

2194 Mr. Mignardi - Nothing goes over a half a foot.
2195

2196 Mrs. Wade - So, it's not more than a half a foot candle at the edge of your project.
2197

2198 Mr. Mignardi - That's right.

2199 Mr. Donati - Are they going to be on all night?
2200

2201 Mr. Mignardi - No. Well, the canopy lights will be turned off and, like I said, they are going to
2202 check with the Police on what's adequate for security levels.
2203

2204 Mr. Shunk - Well, eight seems like a lot. I don't know. I mean, there's no way for me
2205 to judge. It just seems like eight lights in that area is quite a bit of lighting.
2206

2207 **At this time Mr. Shunk, Mr. Mignardi and Mr. Whitney are discussing the elevations**
2208 **among themselves.**
2209

2210 Mrs. Wade - Perhaps we should pass this by and you all can go out into the hall and
2211 finish this discussion and then we will all know a little better what's proposed instead of talking
2212 among us here. If that's all right with the Chairman.
2213

2214 Mr. Archer - That's fine, Mrs. Wade.
2215

2216 Mr. Shunk - If the Police recommend less than eight lights, we would have to wait and
2217 see what they recommend. Isn't that right?

2218
2219 Mrs. Wade - I don't know if he is talking to the Police about the number of lights.

2220
2221 Mr. Mignardi - That's correct, Mrs. Wade. We are going to speak to the Police about
2222 what is satisfactory for security level for this number of fixtures and the canopy.

2223
2224 Mr. Archer - Might we want to defer this, Mrs. Wade?

2225
2226 Mrs. Wade - I think we understand what the problem is but I'm really no better
2227 equipped to tell what it is going to look like either. They haven't even started building out there
2228 yet. When do you all plan on starting construction out there?

2229
2230 Mr. Mignardi - I'm not involved with that.

2231
2232 Mrs. Wade - Okay. Mr. Whitney, you will have to be our expert in this matter. Is this a
2233 reasonable request in terms of lights for the area.

2234
2235 Mr. Whitney - Yes. Mr. Strauss just indicated to me that this number of fixtures, pole lights, is
2236 not a great amount of light on this site. So, it's within our standards and policies.

2237
2238 Mrs. Wade - And it's not more than .5 at their property line which is pretty much what
2239 we have been getting standard wise. So, I will just have to go with what they tell me here.

2240
2241 Mr. Whitney - The half foot candle is what Mr. Mignardi has indicated to me.

2242
2243 Mrs. Wade - And there are occasions when, and we had one in another location recently,
2244 when they got there and they were much brighter than we expected and we worked with them to
2245 lower their wattage on some of their fixtures. I would think that we could approve this today.
2246 Anyway, you all are how many feet are you away from the front of this property, Mr. Shunk?

2247
2248 Mr. Shunk - I don't know what the exact distance is?

2249
2250 Mrs. Wade - Anyway, thank you.

2251
2252 Mr. Shunk - If they decide after these lights are put in and the association feels that they
2253 are too bright then we could negotiate lower wattage. Is that right?

2254
2255 Mr. Silber - I think what we are saying, sir, is the lighting that's proposed is felt to be
2256 adequate. They will be cut back to security level after close of business. They have obligated
2257 themselves to having lighting no greater than half a foot candle to the property line. I think with
2258 all of the safeguards we should be okay. If we find at some later point that they have succeeded
2259 what they have promised here today, then I think we can talk to them about that. But, if they are

2260 meeting the requirements that they presented here today, they should be okay. It should not be an
2261 overintensification on your neighborhood being distances away.

2262
2263 Mr. Shunk - Thank you very much.

2264
2265 Mr. Archer - Thank you, sir. Mrs. Wade, if there are no further questions, I'll entertain
2266 a motion.

2267
2268 Mrs. Wade - We are looking harder and harder at lights these days as we get more
2269 intensively developed. I move the lighting plan for LP/POD-93-97, Exxon at Lauderdale Square
2270 be approved, now that's the staff's plan February 24, 1998, with the flush lens, the canopy with
2271 250 watts, eight pole lights, 18 feet tall, with shoebox concealed source of 400 watts and with
2272 condition No. 4 and any standard conditions and anything else on the plan in terms of annotations
2273 and condition No. 4 on the agenda.

2274
2275 Ms. Dwyer - Second.

2276
2277 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All in
2278 favor say aye...all opposed say nay. The motion passes.

2279
2280 The Planning Commission approve the lighting plan for LP/POD-93-97, Exxon at Lauderdale
2281 Square, subject to the annotations on the plan, the standard conditions for lighting plans and the
2282 following additional condition:

2283
2284 4. Parking lot and canopy lighting shall be reduced to the minimum level necessary for
2285 security purposes following the close of business conducted on the property.

2286
2287 **PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION**

2288
2289
2290 POD-16-98
2291 CVS Pharmacy
2292 Maybeury/Gayton
2293 Road Shopping Center
2294 (POD-98-74 Revised)
TIMMONS for Beverly Hills Inc.: Request for approval of a revised plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a one-story, 10,125 square foot drug store addition to an existing shopping center. The 1.4-acre site is located at the intersection of Quail and Patterson Avenue (State Route 6) on part of parcels 100-12-D-3 and 100-12-D-4. The zoning B-2C, Business District (Conditional). County water and sewer (**Tuckahoe**)

2295
2296 Mr. Archer - Is there anyone in the audience in opposition to POD-16-98, CVS
2297 Pharmacy? No opposition. Mr. Whitney.

2298
2299 Mr. Whitney - Thank you, Mr. Chairman. I would like to remind the Commission that this went
2300 through a recent rezone for this parcel. It's a part of a shopping center, Maybeury at Gayton
2301 Road. I would like to point out a couple of things on the staff plan for you. As far as the

2296 transitional buffer, what's indicated on the plan presently is a block wall that was a proffered
2297 condition. As far as an alternative for transitional buffer 25 here, the six-foot-high fence could
2298 reduce the buffer by 12 feet that would make it 13 feet. The plan indicates that the wall is
2299 approximately 10 ½ feet from the property line. Also, on the architectural, I'll note that the
2300 maximum height for a shopping center neighborhood, that this is by definition, would be 25 feet.
2301 That does conflict with the proffered height of 35 feet. The zoning ordinance would take
2302 precedence over this. The applicant has indicated that he is in agreement with the annotations and
2303 conditions on this and he is here to answer any questions, as well as I can answer any questions
2304 you may have.

2305
2306 Ms. Dwyer - Did you say the wall was block, I think it's brick?

2307
2308 Mr. Whitney - It's brick. Did I say block?

2309
2310 Ms. Dwyer - You may have. I just wanted to make sure that was brick. Thank you.

2311
2312 Mr. Archer - All right. Are there any questions of Mr. Whitney? Ms. Dwyer, would you
2313 like to hear from the applicant?

2314
2315 Ms. Dwyer - Yes.

2316
2317 Mr. West - My name is Junie West, I represent the applicant for this particular project.

2318
2319 Ms. Dwyer - Are you in agreement with the annotations on the plans and the conditions?

2320
2321 Mr. West - We are in agreement with the 10 ½ with versus the 13-foot setback on the
2322 brick wall. The maximum height, if we are restricted to 25 feet, we will comply. It's 45 under the
2323 B zoning, but I understand that's a more restrictive area in the ordinance. We do agree to
2324 conditions Nos. 23 through 36. However, I would like to amend condition No. 33. Condition
2325 No. 33 indicates that it is a "storm water retention based on a 50-10 concept shall be incorporated
2326 into the drainage plans." I would like to add to the end of that "provided that the site runoff has
2327 been increased." The reason for that is that the County policy for the Department of Public
2328 Works has been, typically, that if you do not increase your runoff the detention requirement is not
2329 there. That was discussed in the Staff/Developer and I just wanted to go on record saying that.

2330
2331 Ms. Dwyer - So, you are really just stating a County policy more specifically.

2332
2333 Mr. West - In my opinion, yes. And I think that Mr. Hicks is here from the
2334 Department of Public Works. He can confirm that if you like.

2335
2336 Ms. Dwyer - I would just like to make sure that that's okay with them, with Public
2337 Works. Would you come up please? Do you have a copy of the condition that we are talking
2338 about?

2339

2340 Mr. Hicks - No, ma'am, I don't.
2341
2342 Ms. Dwyer - Maybe Mr. West could..... So, what they have stated in condition No. 33,
2343 "Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage
2344 plans." And then the applicant wishes to add "provided that the site runoff is increased."
2345
2346 Mr. Silber - Has been increased.
2347
2348 Ms. Dwyer - Has been increased.
2349
2350 Mr. Hicks - It's been standard practice with 50-10 that if there is an increase or the
2351 applicant proves that there is a decrease in runoff then there is a potential that 50-10 would not be
2352 required and that's generally on a case by case basis. So, I believe what is being done here is
2353 that.... I didn't review this project but from my understanding from Mr. West, I think that the
2354 impervious area has been reduced. In that case, there is a potential that 50-10 would not be
2355 required. I can't say that for sure because I have not reviewed the project.
2356
2357 Ms. Dwyer - Is there any reason why we required 50-10 concept water retention if
2358 runoff is not increased?
2359
2360 Mr. Hicks - I can not think of any logical reason why we would want 50-10, I think for
2361 this site that's kind of difficult to answer because it depends on whether the site was taken into
2362 account when the 50-10 study was done. I'm not sure if the site was taken into account. In other
2363 words, when the County did their 50-10 study of this site, this site had impervious cover on it.
2364 And Mr. West has reduced the runoff and the potential is he won't need 50-10 if the site was not
2365 included in the 50-10 study, then he would require 50-10 even though he's reducing the runoff, if
2366 that makes sense.
2367
2368 Ms. Dwyer - Suppose Mr. West would just say storm water retention shall be
2369 incorporated into the drainage plan. Could you just say "as required by the Department of Public
2370 Works" and then you know whatever policies they have that apply would apply. I understand
2371 your concern about having this bold statement with no limitation whatsoever because it could be
2372 interpreted to mean that you have to do this even though the policy wouldn't require it. So, we
2373 will amend No. 33 at the end of the sentence to say "as required by the Department of Public
2374 Works." Is that okay with you?
2375
2376 Mr. Hicks - Yes.
2377
2378 Mr. West - The concern surfaced in the sense that.... The condition surfaced due to
2379 the fact that it was clearly obvious to the plan that we had reduced the impervious area.
2380 However, we did not technically show the numbers to prove it. And, in the staff/developer, just
2381 to be on the record, the reason that the comment was made is what we need you to do is go ahead
2382 and show your various flows in the existing state, and the proposed state, and if you are below
2383 that in the proposed state, that requirement will not be on you. Thank you.

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Mr. Archer - Okay. Are there any other questions of Mr. West? All right, Ms. Dwyer.

Ms. Dwyer - I move approval of POD-16-98, CVS Pharmacy at the Maybeury/Gayton Road Shopping Center with Nos. 9 and 11 amended and Nos. 23 through 36 as shown on the agenda. We are amending condition No. 33 to read at the end of that sentence “as required by the Department of Public Works.” Also, my motion is subject to the annotations on the plans and standard conditions.

Mr. Vanarsdall - Second.

Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall. All in favor say aye...all opposed say nay. The motion passes.

The Planning Commission approved POD-16-98, CVS Pharmacy Maybeury/Gayton Road Shopping Center (POD-98-74 Revised), subject to the standard conditions attached to these minutes, the annotations on the plans and the following additional conditions. Mr. Donati was absent.

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.
11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams and fixture mounting height details shall be submitted for Planning Office review and Planning Commission approval.
23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
24. The entrances and drainage facilities on Patterson Avenue (State Route 6) shall be approved by the Virginia Department of Transportation and the County.
25. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Planning Office prior to any occupancy permits being issued.
26. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
27. A standard concrete sidewalk shall be provided along the north side of Patterson Avenue (State Route 6)
28. Outside storage shall not be permitted.
29. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
30. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works

- 2427 31. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of
 2428 the Henrico County Code.
- 2429 32. In the event of any traffic backup which blocks the public right-of-way as a result of
 2430 congestion caused by the drive-up facilities, the owner/occupant shall close the drive-up
 2431 facilities until a solution can be designed to prevent traffic backup.
- 2432 33. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage
 2433 plans as required by the Department of Public Works.
- 2434 34. Insurance Services Office (ISO) calculations must be included with the utilities plans and
 2435 contracts and must be approved by the Department of Public Utilities prior to the issuance
 2436 of a building permit.
- 2437 35. The approval of the construction plans by the Department of Public Works does not
 2438 establish the curb and gutter elevations along the Henrico County maintained right-of-
 2439 way. The elevations will be set by Henrico County.
- 2440 36. The approval of the construction plans by the Department of Public Works does not
 2441 establish the curb and gutter elevations along the Virginia Department of Transportation
 2442 maintained right-of-way. The elevations will be set by the contractor and approved by the
 2443 Virginia Department of Transportation.

2444
 2445 **PLAN OF DEVELOPMENT**

2446
 POD-17-98
 Church Road
 Dental Office

Balzer & Associates for Mark J. P. Freeman, DDS: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, dental office. The 0.62-acre site is on the corner of Church Road and Barony Crescent on part of parcel 47-A-56A. The zoning O-2C, Office District (Conditional). County water and sewer (**Three Chopt**)

2447
 2448 Mr. Archer - Is their anyone in the audience in opposition to POD-17-98, Church Road
 2449 Dental Office? No opposition. Mr. Wilhite.

2450
 2451 Mr. Wilhite - You are being handed out some revised plans that have some slight
 2452 changes to the site plan and the architectural plans. When staff reviewed this POD to begin with,
 2453 it was noted that the entrance into the site from Barony Crescent was located too close to the
 2454 property line in the rear. The revised plan before you flip flops the parking and the access drive in
 2455 order to shift the driveway a sufficient distance, closer to Church Road, to meet the setback
 2456 requirements. Also, your revised architectural plans and site floor plans were done to make sure
 2457 that there were no discrepancies that we discovered during the site plan and approval process.
 2458 The architectural and floor plan now match with the revisions provided to you. With that, staff
 2459 can recommend approval of this development with the standard conditions, Nos. 9 and 11
 2460 amended and Nos. 23 through 28.

2461
 2462 Mr. Archer - Okay. Thank you, Mr. Wilhite. Are there any questions of Mr. Wilhite by
 2463 the Commission?

2465 Mrs. Wade - Did you say you want us to combine this with the original plan?
2466
2467 Mr. Wilhite - Yes, ma'am. The original comments on the original site plan still apply.
2468
2469 Mrs. Wade - Thank you. Was there a dumpster on here someplace?
2470
2471 Mr. Wilhite - No ma'am. They are going to have trash cans on site, and they have
2472 committed to providing details with the landscape plan as far as how that trash can area is going
2473 to be screened.
2474
2475 Mrs. Wade - And this is part of Barony?
2476
2477 Mr. Wilhite - Yes, ma'am.
2478 Mrs. Wade - We still have some unresolved issues with Barony.
2479
2480 Mr. Wilhite - Yes, ma'am.
2481
2482 Mrs. Wade - Do you know, Mr. Wilhite, related to Barony except the rest of it.....
2483 Never mind. I'll deal with this with Mr. Strauss but not today. Thank you. That's all I have.
2484
2485 Mr. Archer - Okay. Would you like to hear from the applicant?
2486
2487 Mrs. Wade - Who is here for the applicant.
2488
2489 Mr. Wilhite - Just the engineer is here representing the applicant.
2490
2491 Mrs. Wade - Are you the engineer just for the dental office?
2492
2493 Man from Aud. - Yes, ma'am.
2494
2495 Mrs. Wade - Well, we don't need to hear from you then. That's all I have thank you.
2496 There's no one here from Barony, generally. That's all right I'll catch up with them later. You
2497 did hear that about tree saving is important here because the subdivision next door doesn't have a
2498 lot of buffer in between here in the homes. I'm ready to make a motion if you are ready, Mr.
2499 Chairman.
2500
2501 Mr. Archer - Yes, ma'am. We are ready.
2502
2503 Mrs. Wade - I move POD-17-98, Church Road Dental Office at Barony, be approved,
2504 subject to the annotations on the plan. Now we have the revised plan plus the annotations on the
2505 original plan with comments. I'll note particularly the tree save areas and any other annotations
2506 and the standard conditions. Nos. 9 and 11 amended and Nos. 23 through 28 as they appear on
2507 the agenda.
2508

2509 Mr. Vanarsdall - Second.

2510
2511 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall.
2512 All in favor say aye...all opposed say nay. The motion passes.

2513
2514 The Planning Commission approved POD-17-98, Church Road Dental Office, subject to the
2515 standard conditions attached to these minutes, the annotations on the plans, and the following
2516 additional conditions. Mr. Donati was absent.

- 2517
2518 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office or
2519 review and Planning Commission approval prior to the issuance of any occupancy permits.
2520 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
2521 depictions of light spread and intensity diagrams and fixture mounting height details shall
2522 be submitted for Planning Office review and Planning Commission approval.
2523 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2524 the County in a form acceptable to the County Attorney prior to any occupancy permits
2525 being issued.
2526 24. The developer shall provide fire hydrants as required by the Department of Public Utilities
2527 in its approval of the utility plans and contracts.
2528 25. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2529 County Attorney prior to final approval of the construction plans by the Department of
2530 Public Works.
2531 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
2532 approved by the County Engineer prior to final approval of the construction plans by the
2533 Department of Public Works.
2534 27. Insurance Services Office (ISO) calculations must be included with the utilities plans and
2535 contracts and must be approved by the Department of Public Utilities prior to the issuance
2536 of a building permit.
2537 28. The existing drainage and utility easement in conflict with the building footprint shall be
2538 vacated prior to the issuance of a building permit for this development.

2539
2540 **LIGHTING PLAN**

2541 LP/POD-57-97
Brookhollow Center

CMSS Architects: Request for approval of a lighting plan for Phase I, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 9.75-acre site is located on the northeast corner of W. Broad Street (U.S. Route 250) and Brookriver Drive on parcel 47-4-A-2A. The zoning is M-1C, Light Industrial District (Conditional).
(Three Chopt)

2542
2543 Mr. Archer - Is there anyone in the audience in opposition for the lighting plan on
2544 LP/POD-57-97, Brookhollow Center? No opposition. Mr. Strauss.
2545

2546 Mr. Strauss - Staff has requested a revised plan which shows additional photometrics to
2547 the property line, and we have an addendum condition this morning which was distributed to you
2548 earlier. Other than the observation that this is a lighting plan for just the parking around the
2549 building, I've got no other comments to make in reference to the annotated plan, and staff can
2550 recommend approval as annotated.

2551

2552 Mrs. Wade - So, you still need a photometric plan?

2553

2554 Mr. Strauss - I do have that plan here.

2555

2556 Mrs. Wade - Oh, I don't need to see it.

2557 Mr. Strauss - I have no problem with it. It was just for the record to verify the foot
2558 candles at the property line.

2559

2560 Mrs. Wade - That's fine. Thank you. But, this is only a partial plan for that site?

2561

2562 Mr. Strauss - Yes, ma'am. They will be required to bring a lighting plan in for the other
2563 areas for the parking when they develop those.

2564

2565 Mr. Archer - Are there any other questions of Mr. Strauss? Are you ready for a motion,
2566 Mrs. Wade?

2567

2568 Mrs. Wade - Yes. I move the lighting plan for LP/POD-57-97 be approved subject to
2569 the annotations, including the additional photometric as requested and received by staff and the
2570 standard conditions for lighting plans. I move it be approved.

2571

2572 Ms. Dwyer - Second.

2573

2574 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All in
2575 favor say aye...all opposed say nay. The motion passes.

2576

2577 The Planning Commission approved the Phase 1 lighting plan for LP/POD-57-97, Brookhollow
2578 Center, subject to the annotations on the plan and the standard conditions applicable to lighting
2579 plans. Mr. Donati was absent.

2580

2581 **LANDSCAPE & LIGHTING PLAN**

2582

LP/POD-76-96
Target Golf

Garland Gammon: Request for approval of a landscape and lighting plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 11.9-acre site is located on the east line of Pouncey Tract Road, approximately 180 feet north of I-64 on parcel 36-A-12. The zoning is M-1C, Light Industrial District (Conditional). **(Three Chopt)**

2583

2584 Mr. Archer - Is their anyone in the audience in opposition to the landscape and lighting
2585 plan for LP/POD-76-96 Target Golf? No opposition. Mr. Strauss.

2586
2587 Mr. Strauss - Thank you, Mr. Chairman. The applicant is seeking approval of a
2588 landscape and lighting plan. And you are probably aware from the information in your packet that
2589 this is a plan for a golf driving range. It is actually unique in that the play is somewhat
2590 different.... It actually has a point of play as opposed to a regular driving range. That play does
2591 extend into the night hours in accordance with the provisional use permit which was approved by
2592 the Commission some time ago, and it does outline the condition of the hours of operation which
2593 I have annotated on the plan. The lighting is characteristic of that seen at other outdoor athletic
2594 and recreational facilities so the fixtures are on poles of 70 to 80 feet in height and with a wattage
2595 of 1500. And I might remind the Commission that down the road on Pouncey Tract, near Short
2596 Pump Middle School, that there is another athletic facility with tall lights and fixtures very similar
2597 to this. You will note that the fixtures are computer programmed by the manufacture and
2598 directed in such a way to insure that there is no light spillover at the property line. The applicant
2599 has provided photometrics to indicate that there is a .5 or less foot candle to be maintained at the
2600 property line. During the review of the plan, I noticed that there was no parking lot lighting
2601 photometric, which I asked for, and the client was more than happy to provide that. That is the
2602 plan that is being distributed this morning. You will see that the parking lot lighting is also within
2603 the policy guidelines of Henrico County. So, with that we can recommend approval of the
2604 landscape and lighting plan as annotated and I'll be happy to answer any questions you may have.

2605
2606 Mr. Archer - Thank you, Mr. Strauss. Are there any questions of Mr. Strauss?

2607
2608 Mrs. Wade- Do you know the hours they are going to be open?

2609
2610 Mr. Strauss - Yes, ma'am. I do have a copy of the provisional use plan agreement. The
2611 hours of play, and I'll read it verbatim. "Play of Target Golf shall not be permitted after 11:00
2612 p.m. except on Fridays and Saturdays, when play shall not be permitted after 12:00 midnight. At
2613 such time as play or target golf ceases, lighting for the Target Golf landing area shall be turned
2614 off."

2615
2616 Mr. Vanarsdall - What time will they open, Jim?

2617
2618 Mr. Strauss - That's a good question. I think the applicant may have to answer that.

2619
2620 Mr. Gammon - Hi. I'm Garland Gammon. We anticipate opening at eight but I don't
2621 think we proffered any opening hours per se. We just anticipated the demand would begin about
2622 eight.

2623
2624 Mrs. Wade - At sunrise anyway.

2625
2626 Ms. Dwyer - Mr. Strauss, as I look at the photometric that was in our packet, it looks
2627 like along the perimeter it does exceeds .5.

2628
2629 Mr. Strauss - Is that the photometric for the driving range itself?
2630
2631 Ms. Dwyer - Yes.
2632
2633 Mr. Strauss - There are two or three points where we had a slight increase at .6. I think
2634 in one case it was .6 2 or .6 3 at another. We were willing to give them the benefit of the doubt.
2635 It is computer generated and in all likelihood we wouldn't expect it, because of the trees that they
2636 are saving around the site, that it's going to actually be that high. I'm glad you brought that up. I
2637 have not had a chance to walk the site in regards to the transitional buffering that was saved
2638 around the site. The weather and just not having time last week. I was not able to walk the
2639 periphery but I did add a condition on the addendum. You may notice that we have an
2640 opportunity to revisit the transitional buffer vegetation around the site at a later date. And the
2641 applicant is agreeable to allowing us to suggest additional planting if needed in that transitional
2642 buffer area because there was a deviation approved by the Director previously. And one of the
2643 conditions of the deviation was to provide additional landscaping where needed. So, the applicant
2644 is agreeable to that and I think we have an opportunity to do that once the site construction is
2645 completed.
2646
2647 Mrs. Wade - And if those two big trees on the front there don't live they will have to
2648 replace them with something.
2649
2650 Mr. Strauss - I imagine they will have to replace them with other large trees. They won't
2651 be easy to find in that size but I have informed the applicant and he has agreed to talk to the
2652 contractor about any storage of equipment within the drip line of those two trees, and they do
2653 have tree protection measures that are required.
2654
2655 Mrs. Wade - Which is being done now. I mean there are things on the roots now.
2656
2657 Mr. Strauss- Since I was not at the site I didn't notice it, but since you noticed it I
2658 assume that some equipment may have been there at some time. The applicant has agreed to talk
2659 to the contractor and have whatever is being stored out there removed.
2660
2661 Mrs. Wade - Okay. That's fair enough. Trees don't take to well to that. Thank you.
2662
2663 Mr. Archer - All right, Mrs. Wade. We are ready for a motion.
2664
2665 Mrs. Wade - I move landscape and lighting plan for LP/POD-76-96, Target Golf, be
2666 approved subject to the annotations, including the additional photometric plans for the parking
2667 area, the standard conditions for landscape and lighting plans and condition No. 6 added that
2668 appears on the addendum.
2669
2670 Mr. Vanarsdall - Second.
2671

2672 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All
2673 in favor say aye...all opposed say nay. The motion passes.

2674
2675 The Planning Commission approved the landscape and lighting plan for LP/POD-76-96, Target
2676 Golf, subject to the annotations on the plans, the standard conditions applicable to landscape and
2677 lighting plans and the following additional condition. Mr. Donati was absent.

2678
2679 6 If it is determined by County staff that additional or supplemental planting is required along
2680 the transitional buffers, such planting will be provided in accordance with Zoning Ordinance
2681 Section 24-106.2(e)(3)8 prior to issuance of an occupancy permit.

2682
2683 **LANDSCAPE & LIGHTING PLAN**

2684
LP/POD-95-96
The Capstone
Building
Dave Gerstenmaier: Request for approval of a landscape and
lighting plan as required by Chapter 24, Sections 24-106 and 24-
106.2 of the Henrico County Code. The 2.78-acre site is located at
the northeast corner of Forest Avenue and Glen Forest Drive on
parcel 92-10-A-2. The zoning is O-3C, Office District (Conditional).
(Three Chopt)

2685
2686 Mr. Archer - Is there anyone in the audience in opposition to LP/POD-95-96, The
2687 Capstone Building? No opposition. Mr. Strauss.

2688
2689 Mr. Strauss - Thank you, Mr. Chairman. The applicant seeks approval of a landscape
2690 and lighting. Staff has reviewed the plan and can recommend approval as annotated, and the
2691 subject of those annotations were primarily taking some trees out of the easement as noted by our
2692 Public Works and Utilities Departments. There are also some trees on the eastern landscape
2693 island that were in the same island as light poles that are proposed. We suggested to Dave
2694 Gerstenmaier that he switch those out to a Zelkova which is a more appropriate tree in staff's
2695 opinion for those islands where there are going to be light poles. He proposed a Lace Box Elm
2696 which has a round head to it. We prefer to see the Zelkovas and since Zelkovas are already on
2697 the landscape plan near the street, he is agreeable to switching them out to either Zelkovas or
2698 some other suitable tree that he can discuss with staff. So, we can recommend approval as
2699 annotated.

2700
2701 Mrs. Wade - Are they agreeable to your annotations?

2702
2703 Mr. Strauss - Yes, ma'am.

2704
2705 Mr. Archer - Are there any other questions of Mr. Strauss? Would you like to hear from
2706 the applicant, Mrs. Wade?

2707
2708 Mrs. Wade - No. Unless they have something they would like to add. You are in
2709 agreement with the annotations? They indicate that yes they are. I move, therefore, that the

2710 landscape and lighting plan for LP/POD-85-96 be approved subject to the annotations and the
2711 standard conditions for landscape and lighting plans.

2712
2713 Ms. Dwyer - Second.

2714
2715 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All in
2716 favor say aye...all opposed say nay. The motion passes.

2717
2718 The Planning Commission approved the landscape and lighting plan for LP/POD-95-96, The
2719 Capstone Building, subject to the annotations on the plans and the standard conditions for
2720 landscape and lighting plans. Mr. Donati and Mr. Vanarsdall were absent.

2721
2722 **LANDSCAPE PLAN**

2723
LP/POD-70-97
Waffle House
Restaurant
Purvis & Associates: Request for approval of a landscape plan as
required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico
County Code. The 1.04-acre site is located on the northwest corner
of Brook Road (U.S. Route 1) and Athens Avenue on parcels 63-1-
400-22, 26, 32 and part of 28. The zoning is B-3, Business District.
(Fairfield)

2724
2725 Mr. Archer - Is their anyone in the audience in opposition to LP/POD-70-97, Waffle
2726 House Restaurant? No opposition. Ms. News.

2727
2728 Ms. News - Staff recommends approval of the landscape plan as annotated. We note
2729 that although lighting is shown on the plan, is it being reviewed separately and is not a part of this
2730 approval.

2731
2732 Mr. Archer - Do any of the Commission members have any questions of Ms. News? Do
2733 I need to hear from the applicant? No. If there are no further questions, I move approval of
2734 LP/POD-70-97, subject to the annotations on the plan and the standard conditions for landscape
2735 plans.

2736
2737 Ms. Dwyer - Second.

2738
2739 Mr. Archer - The motion was made by Mr. Archer and seconded by Ms. Dwyer. All in
2740 favor say aye...all opposed say nay. The motion passes.

2741
2742 The Planning Commission approved the landscape plan for LP/POD-70-97, Waffle House
2743 Restaurant, subject to the annotation on the plan and the standard conditions for landscape plans.
2744 Mr. Donati and Mr. Vanarsdall were absent.

2745 **PLAN OF DEVELOPMENT**
2746

POD-2-98
Park Central –
Phase I

Jordan Consulting Engineers, P.C. for Park Central Associates, L.C. and Robinson Development Group, Inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 66,600 square foot office service building and a one-story, 92,430 square foot office service building. The 17.46-acre site is located along the east line of Park Central Drive approximately 700 feet north of Parham Road on part of parcels 53-A-80B and 53-A-80D. The zoning is M-1C, Light Industrial District. County water and sewer. **(Fairfield)**

2747
2748 Mr. Archer - Is their anyone in the audience in opposition to POD-2-98, Park Central –
2749 Phase I? No opposition. Mr. McGarry.
2750

2751 Mr. McGarry -Mr. Chairman, in your packet you have a master plan for a development of a
2752 portion of the property along the east side of Park Central. That's the third sheet down in your
2753 packet, the third full sheet. The developer is Robinson Development Group and they have
2754 submitted detailed construction plans for buildings A and B on that master plan. Those are Office
2755 Service buildings with rear loading docks. We gave you the master plan to show how the position
2756 of future buildings along with proposed berms and screen walls will provide the required
2757 screening of the loading docks. There is also a three-dimensional model of the two buildings over
2758 there on the wall to your right.
2759

2760 During the plan of development review process the rezoning of this property did change. In fact,
2761 it changed last Wednesday night. I even made a statement in the report where I was expecting
2762 the... One of the proposes was to eliminate a ratio for office/industrial and I said so in my staff
2763 report and I found out that's wrong because the zoning did include an element that they have to
2764 keep 60% industrial and 40% office on this site.
2765

2766 The primary issue that the staff is dealing with has to do with screening the loading docks and
2767 staff has met with the Commissioner. We looked at the master plan. We looked at the three-
2768 dimensional model. We went out to the site. But, we don't have 100% comfort level with what
2769 we think is going to be necessary to screen the loading docks, particularly building B. Therefore,
2770 the staff has some revised.... Well, first of all, revise the staff plan to do what we think would
2771 adequately screen that rear loading dock from view from Parham Road by indicating a wall to
2772 continue along the back of the loading dock area. The applicant has been informed of this. We
2773 also proposed some additional conditions that will perhaps accomplish the same thing. That is
2774 condition No. 29.
2775

2776 The developer would like to address the staff's concerns. Staff is generally satisfied with the plan
2777 and can recommend approval subject to the annotations that we have put on the plan, with the

2778 conditions Nos. 23 through 28 and the three on your addendum which is No. 9 amended which is
2779 the landscaping and No. 29 and No. 30. I'd be happy to answer any questions.

2780
2781 Mr. Archer - Are there any questions of Mr. McGarry by Commission members?

2782
2783 Ms. Dwyer- So, you are concerned about screening of building B's loading dock from
2784 the interior roadways?

2785
2786 Mr. McGarry - Actually, from Parham Road more than anything else. If you look at your
2787 master plan and how its oriented, that's our biggest concern. There will be a BMP basin
2788 constructed between it and Parham Road which will take out some trees. This is a nicely wooded
2789 site.

2790
2791 Ms. Dwyer - And E and F are undeveloped.

2792
2793 Mr. McGarry -E and F are not developed at this time. Now to the applicant's credit, there is a
2794 125-foot buffer along Parham Road and that area up there is pretty well, it's got some pretty nice
2795 mature trees on it. The staff just doesn't have a good comfort level that we are not going to have
2796 a problem with the screening of the loading docks and, therefore, we have tried to attempt to fix it
2797 at this time.

2798
2799 Ms. Dwyer - Once it's built out, according to this master plan, would you then have
2800 problems with screening the loading docks of building B?

2801
2802 Mr. McGarry -If the combination of buildings, landscaping and portions of walls proposed do the
2803 job of preventing screening from the abutting streets does it job then staff would not have a
2804 problem.

2805
2806 Mr. Silber - There are no assurances, Ms. Dwyer, that the buildings G and F will be
2807 located in those positions. We just feel that there is some exposure and openness to the back of B
2808 that could be viewed from Parham Road. That's what the staff's concern is.

2809
2810 Mr. Archer - Okay. Are there any other questions of Mr. McGarry? Would the
2811 applicant come forward, please?

2812
2813 Mr. Mills - Mr. Chairman and members of the Commission. My name is Malachi Mills
2814 and I'm with Jordan Consulting Engineers and I represent the applicant on this case. In going to
2815 the staff/developer meeting and reviewing with staff the different comments and concerns. And,
2816 then just as recently as this morning, Ted and I discussed this amendment or added condition No.
2817 29. The developer, we understand and accept the conditions as proposed and amended as of this
2818 morning. I think the situation with (unintelligible) is they are looking at the master plan. We are
2819 proposing everything that we think we can see to properly screen from Scott Road, Park Central
2820 Road and Parham at this time. Frankly, it would be impossible to say that "Yes we will provide
2821 100% of the screening with ultimate build out." We feel like with the buffer along Parham Road

2822 with some internal landscape areas that we hope to have some tree-saved areas and the additional
2823 landscaping. We feel like we have properly screened it but certainly the amended or added
2824 condition No. 29 gives us the ability to revisit that after things have been developed, if there is in
2825 fact a site line that doesn't meet the criteria.

2826
2827 Mr. Archer - Okay, Mr. Mills. So you totally understand why this condition was added?

2828
2829 Mr. Mills - Yes, sir.

2830
2831 Mr. Archer - Can you tell us, just in looking at the site plan, how the... There are some
2832 portions of walls that are shown on page two of the staff report, the first large page. How did
2833 you arrive at the positioning of those wall areas?

2834
2835 Mr. Mills - Could I just point it out on the paper up here? I think it would be much
2836 easier that way.

2837
2838 Mr. Archer - Sure.

2839
2840 Mr. Mills - Initially, during the staff meetings I think there was more concern of the
2841 focus of Scott. And driving down Scott Road that in the first master plan, this access drive was a
2842 straight shot. It would have been a clear view from Scott Road. The whole site, we have got
2843 elevations of 198 to 200. It's fairly level. These were added in earlier discussion. Initially we
2844 just had all parking in here. What we have done is, we have revisited the master plan and
2845 provided more of a sweeping move in the access drive to provide some landscaped areas to block
2846 the view. We added this planting area in there and took out just the open parking area. This is an
2847 attempt to provide for a screening wall as well as an area that we could add berming and
2848 additional landscaping. So, positioning this was more of a focus for the Scott Road and the A
2849 zoned property looking into the site this way. Again, to address today because we have
2850 substantial vegetation here, but once building C and D were in we were concerned that there
2851 would be an open view into here. I think after you and Ted went out yesterday and looked at the
2852 view from Parham, it's now been indicated that maybe we need to bring the wall across here. We
2853 are also in a position right now that this may go all office and that we may not have the loading
2854 doors there. We would really hate to build the walls up if there really isn't a need for it. We feel
2855 like we have provided a large area here that we can provide tree save and/or additional berming to
2856 supplement as opposed to just having a bunch of walls. We think this is a large enough green area
2857 to provide the appropriate screening.

2858
2859 Mr. Archer - Well, that was one of our concerns. In fact, we have these broken pieces
2860 of wall here. Also, where does this road lead to?

2861
2862 Mr. Mills - Well, of the master plan, this cuts into what is building D. This get into
2863 some parking areas. This area in here is reserved. We have got wetlands and whatnot down in
2864 here that we are preserving. We have a large BMP area. That is right in here.

2865 Mr. Silber - And this is a necessary connection here?

2866
2867 Mr. Mills - Well, not entirely. I mean, it's connecting into, here. That could continue
2868 on through. We worked with that spot. What it was, again, it was a straight shot in looking right
2869 over a bunch of parking. We've added this in order to break up the view. We swept this around
2870 and provided some various landscaping.
2871
2872 Mr. Silber - Let me ask you this, Malachi. If this building has potential, not being used
2873 for loading or warehousing.... It appears to us that this whole back side could potentially be used
2874 for unloading and that's where our concern is. Would you be agreeable to a condition that if this
2875 is used for loading that a wall will be extended along the back to screen that? If it is not used for
2876 loading and this becomes an office complex then you will not be burdened with that wall.
2877
2878 Mr. Mills - I think that the screening we would agree to and I think that the only
2879 problem we would have is agreeing to all walls to screen it. We tried to provide large green areas
2880 that we can provide berming and on sections of the wall where it gets narrow and we can't
2881 provide berming and landscaping, I think we are just looking for a combination of the two. If
2882 there are no other options, then yes a wall would do it. But, we would like to have some
2883 flexibility to take advantage of some of these green areas to provide large landscape areas. And
2884 then have walls tying into the edge of the berm as it gets up to the six or eight feet.
2885
2886 Mr. Silber - If the Commission approves this today, we are looking at two wingwalls
2887 and three standing sort of monolithic pieces of wall segments out there. I'm not so sure how that
2888 really is going to be viewed as you drive through the project. We are either attempting to screen
2889 this with a wall, a consistent solid wall, or we are doing a fragmented....
2890
2891 Mr. Mills - And I think the recommendation that we are looking at.... I mean if we
2892 eliminate this and just that same wall section, do it here and break it that way. Just bring the
2893 continuous wall on through. That would probably make more sense with the screening. But,
2894 again, this early into the first phase of it, and knowing that some changes may occur, I'd hate to
2895 put a wall all around here and not taking advantage of what we can break up the wall sections and
2896 provide some landscaping. In here I'd say "yes" if it got very fractured trying to screen here. I
2897 think we could eliminate this and make that a continuous wall and then take advantage of this
2898 large green space to look at it.
2899
2900 Mr. Vanarsdall - If I understand it right, Mr. Silber. We don't know what's going to be in
2901 B, right?
2902
2903 Mr. Silber - That's correct.
2904
2905 Mr. Vanarsdall - So, why can't we have a condition in the event of?
2906
2907 Mr. Archer - I think we might be doing that in condition No. 29.
2908

2909 Mr. Mills - Yes, I think that was the attempt to do that. My only concern is that it's a
2910 wall and nothing else. I think I would like to have some flexibility to utilize. The way the grading
2911 is working in it, that's a tree save area.
2912

2913 Mr. Silber - I think it would still be a tree save area if you run the wall across here. I
2914 think the point is, at least the administration's concern is, we would prefer to see a more
2915 coordinated way of dealing with the screening of these loading areas. And this is a large wall
2916 back here that could potentially be loading and I think this condition says you will provide site
2917 lines at the time of landscape plan approval. It doesn't obligate you to any more walls.
2918

2919 Mr. Mills - Oh yes. We are agreeing to that as it is written.
2920

2921 Mr. Silber - Would you agree that if there is a site line problem that additional walls
2922 may be constructed or are we talking about some other form of screening.
2923

2924 Mr. Mills - Yes. If a wall is what it will take to do it then that is what we will have to
2925 do.
2926

2927 Mr. Archer - Will we need to reword that to more or less leave it at the discretion of the
2928 Planning Department?
2929

2930 Mr. Silber - Well, or else just simply state on the record today they are obligating to
2931 provide appropriate screening if necessary. It may mean coming back at the time of landscaping
2932 and extending a wall down if the site lines are such that there are problems with visibility.
2933

2934 Mr. Archer - And for the record, you are agreeable to doing it?
2935

2936 Mr. Mills - Yes, sir.
2937

2938 Mr. Vanarsdall - And we have No. 9 amended on there anyway, don't we?
2939
2940

2941 Mr. Archer - Yes. It was added on the addendum. So, that the Commission will
2942 remember what the proffer said, No. 9 said: Any loading docks serving a building on the property
2943 shall be screened from view of any public street or adjacent agricultural or residential zoned
2944 property in a manner satisfactory to and approved by the Planning Commission at the time of plan
2945 of development review. In addition, the loading docks or all buildings fronting on Park Central
2946 Drive shall be located to the rear of the buildings." We didn't want to paint ourselves into a
2947 corner by having the last part of that long sentence at the time of plan of development review.
2948 Meaning, the process ends right here. So, I think that is one of the reasons why we were
2949 concerned about having this condition No. 29 done to open that up and give us some flexibility to
2950 come back in the future to do some more things. Okay. Are there any further questions for Mr.
2951 Mills? And, you are agreeable to the addendum, Mr. Mills?
2952

2953 Mr. Mills - Yes, sir.
2954
2955 Mr. Archer - All right. I need to formulate a motion.
2956
2957 Mr. McGarry -Staff would like to clarify one point.
2958
2959 Mr. Archer- Please.
2960
2961 Mr. McGarry -The plan was annotated to provide a wall yesterday and today the addendum item
2962 No. 29 is being offered as a an alternate to the solid wall. I just want to make sure that if you are
2963 accepting No. 29 that means we would eliminate the requirement at this stage for the wall along
2964 that back area.
2965
2966 Mr. Silber - I think that is the intent, Ted. But I think at some later point when site
2967 lines are provided if there is a problem that can't be overcome with berms or plantings then it
2968 maybe appropriate to extend the wall. You may just want to annotate that on the plan that a
2969 further annotation of the wall is required at this point but after further review of site lines it may
2970 be necessary to extend the wall.
2971
2972 Mr. Archer - Okay. And that is becoming an annotation then, is that correct?
2973
2974 Mr. Silber - Yes, sir.
2975
2976 Mr. Archer - Do you agree to that annotation, Mr. Mills?
2977
2978 Mr. Mills - Yes, sir.
2979
2980 Mr. Archer - With that, I move for approval of POD-2-98, Park Central, Phase I, subject
2981 to the standard conditions for developments of this type, additional conditions Nos. 23 through
2982 28, the annotations that were added today, the addition of No. 9 amended and the addition of
2983 Nos. 29 and 30.
2984
2985 Ms. Dwyer - Second.
2986
2987 Mr. Archer - The motion was made by Mr. Archer and seconded by Ms. Dwyer. All in
2988 favor say aye...all opposed say nay. The motion passes.
2989
2990 The Planning Commission approved POD-2-98, Park Central – Phase 1, subject to the standard
2991 conditions attached to these minutes, the annotations on the plans and the following additional
2992 conditions. Mr. Donati was absent. Mr. Vanarsdall returned during this case.
2993
2994 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2995 review and Planning Commission approval prior to the issuance of any occupancy permits.

- 2996 23. The developer shall provide fire hydrants as required by the Department of Public Utilities
 2997 in its approval of the utility plans and contracts.
 2998 24. The certification of building permits, occupancy permits and change of occupancy permits
 2999 for individual units shall be based on the number of parking spaces required for the
 3000 proposed uses and the amount of parking available according to approved plans.
 3001 25. Any necessary off-site drainage easements must be obtained in a form acceptable to the
 3002 County Attorney prior to final approval of the construction plans by the Department of
 3003 Public Works.
 3004 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
 3005 approved by the County Engineer prior to final approval of the construction plans by the
 3006 Department of Public Works.
 3007 27. Insurance Services Office (ISO) calculations must be included with the utilities plans and
 3008 contracts and must be approved by the Department of Public Utilities prior to the issuance
 3009 of a building permit.
 3010 28. The approval of the construction plans by the Department of Public Works does not
 3011 establish the curb and gutter elevations along the Henrico County maintained right-of-
 3012 way. The elevations will be set by Henrico County.
 3013 29. Prior to landscape plan approval, the developer shall provide a sight line plan which would
 3014 provide details of the berms and walls necessary for the screening of all loading dock
 3015 facilities. Further, with construction of future phases, any remedial screening necessary to
 3016 meet proffer No. 9 shall be completed by the property owner.
 3017 30. Prior to approval of construction plans, the applicant shall submit floor plans with a table
 3018 outlining the percentage of each use.
 3019

3020 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**
 3021

POD-22-98
 Oakton Apartments

Horton & Dodd, P.C. for Estate of H. G. Fralin, Et Al and Castle Development Corporation: Request for approval of a plan of development and special exception, as required by Chapter 24, Sections 24-94(b) and 24-106 of the Henrico County Code to construct 12, three-story, multi-family apartment buildings totaling 144 units. The 14.78-acre site is located on the south line of Audubon Lane approximately 165 feet west of Oakleys Lane on parcel 162-A-72B. The zoning is R-5, General Residence District. County water and sewer. **(Varina)**

3022
 3023 Mr. Archer - Is there anyone in the audience in opposition to POD-22-98, Oakton
 3024 Apartments? We have opposition.
 3025

3026 Mr. Vanarsdall - Mr. Chairman, may I ask a question?
 3027

3028 Mr. Archer - Sure.
 3029

3030 Mr. Vanarsdall - I must be confused. I thought at the last meeting or the meeting before
3031 last, or at sometime we talked, that we didn't have to have special exceptions any more for three-
3032 story buildings. Did I get that confused, Mr. Silber?
3033

3034 Mr. Silber - Perhaps what the confusion is, Mr. Vanarsdall. No. The Code still
3035 requires special exceptions for certain uses and purposes. This is one that is still in the Code.
3036 There was discussion previously that that may be amended in the future based on some advice we
3037 received from the County Attorney's Office. So, we are looking into that. At this point it is still
3038 required to have a special exception for a three-story building in R-5.
3039

3040 Mr. Vanarsdall - All right. I didn't mean to muddy the waters, I just wanted to get that
3041 straight. Thank you.
3042

3043 Mr. Zehler - Mr. Secretary, it also states that the applicant will present his case for a
3044 special exception.
3045

3046 Mr. Silber - That is true, Mr. Zehler. He needs to present his case for a special
3047 exception.
3048

3049 Mr. Zehler - I mean, it's quite obvious what his case is, it's more units.
3050

3051 Mr. Silber - It appears that way. Yes, sir.
3052

3053 Mr. Archer - Ms. News.
3054

3055 Ms. News - This plan of development includes a special request to allow a three-story
3056 building in R-5. This project involves construction of 12, three-story multi-family apartment
3057 buildings totaling 144 units. The construction of three lanes of Audubon Lane connecting
3058 Laburnum Avenue to Oakleys Lane is required with this development. Revised condition No. 32
3059 and added condition No. 33 in your addendum have been added to address construction and
3060 dedication of the road. The revised plans included in your packet address provision of two points
3061 of access to the project and redesign of the BMP. The BMP is proposed to be a wet pond
3062 between four and eight feet deep. It has been relocated out of the front yard setback into the
3063 southeast corner of the site. A wooded buffer is proposed between the development, including
3064 the BMP, and Audubon Drive.
3065

3066 Provision of additional sidewalks and trash areas are addressed on plans received today and which
3067 have just been distributed to you. Staff would recommend that the trash areas, that are shown at
3068 the end of these parking islands, be installed on a 45 degree angle so they wouldn't be so
3069 prominent as you are driving down each road.
3070

3071 An area along the property line adjacent to Wedgewood Minor is shown as a wooded buffer on
3072 the plans. However, drainage improvements in this area are likely to be required by the
3073 Department of Public Works. There is a requirement for a 10-foot transitional buffer along this

3074 property line. Condition No. 34 has been added in your addendum to address preservation of as
3075 much as this wooded area as possible while making any required drainage improvements. The
3076 applicant will address the architectural elevations when he presents his case for the special
3077 exception. They have been revised from what's in your packets. Staff can recommend approval
3078 of the POD as annotated if the request for the special exception is granted by the Planning
3079 Commission.

3080
3081 Mr. Archer - All right. Thank you, Ms. News. Are there any questions of Ms. News?
3082

3083 Mr. Zehler - Leslie, our original site plan we had showed brick. Is there no brick on the
3084 proposed plan?
3085

3086 Ms. News - The revised elevations do not have brick on them. I do not have a copy to
3087 hand out, the applicant has them.
3088

3089 Mr. Zehler - The way No. 34 reads, the existing drainage, "if required by the County
3090 Engineer with the minimal impact necessary on the existing buffer and trees in this area."
3091

3092 Ms. News - Planning has concerns. There is right now wooded area between these
3093 single-family homes and the apartment complex. There is a creek running down through that
3094 area, and it's Public Works' policy to pipe these open channels when they develop across a
3095 property like this. We were hoping that the drainage could be addressed. Public Works has
3096 visited the site and determined that they feel that there does need to be drainage improvements in
3097 this area because there is some erosion and standing water. We've added this condition in hope
3098 that there may be alternative methods looked at for taking care of the drainage in this area rather
3099 than running a pipe through there, or if a pipe needs to be put in then it could be routed around
3100 these trees so we wouldn't disturb this existing buffer.
3101

3102 Mr. Zehler - But the County Engineer could deem it necessary to remove all of those
3103 trees.
3104

3105 Ms. News - I've got the Department of Public Works here to address those questions
3106 regarding what would be required to be installed. But, yes, there is no guarantee that we can
3107 make that in solving this drainage problem to their satisfaction that the trees wouldn't be
3108 removed.
3109

3110 Mr. Zehler - Okay.
3111

3112 Mr. Archer - Mr. Zehler, I assume we need to hear from the applicant?
3113

3114 Mr. Zehler - Yes. He has a special exception.
3115

3116 Mr. Dodd - Mr. Chairman and members of the Commission. My name is Greg Dodd
3117 with the engineering firm Horton & Dodd, P.C. I'm here representing the owner of this property

3118 as well as the proposed applicant and developer. I take it from the introduction that I should
3119 address the special exception first, or is there a preference on the order?
3120

3121 Mr. Archer - Mr. Zehler.

3122

3123 Mr. Zehler - No preference.

3124

3125 Mr. Dodd - Basically, we have no problem with the conditions that staff has presented
3126 to you with their amendments. I will say that we did work diligently with staff to come up with
3127 some modifications with what we first presented for this development. Some of the major
3128 concerns were the multiple access, the pedestrian circulation on the site, the dumpsters, of course,
3129 which we will mention, and the BMP. The site plan that you have before you addresses each of
3130 those items. We are showing the multiple access to proposed Audubon Drive, which, you know,
3131 we are required to build, which I might add, will be a great asset to the County from what I
3132 understand. The pedestrian circulation has been added. We didn't show circulation from the rear
3133 of the buildings but we have shown that on this particular site plan to make sure that there is
3134 access between buildings so if you want to go visit your neighbor or if your kids want to go out
3135 and play, they don't have to always be in the dirt or grass.

3136

3137 The dumpsters we have shown at the ends of the parking lots between the units, and we agree
3138 with staff that it would be more aesthetically pleasing to put those in at an angle so that we could
3139 put landscaping at the end. When you drive into your parking place you are looking at
3140 landscaping and the dumpster is not the center of attention. We think that's a good idea and we
3141 agree with that. The BMP, we have moved its location from the original and we have made it
3142 more undulating along its banks so that it would look more natural when it is constructed and the
3143 vegetation is established around it. That did create a problem in that it became very close to
3144 residential living areas. So, we are proposing on that site plan that you have to put a four-foot-
3145 high aesthetically pleasing fence between the residential living area and the banks of the BMP.
3146 That's not totally surrounding the BMP but at least it will be an impediment for someone trying to
3147 get to the banks of the BMP from the residential side. That does show up on that revised site
3148 plan that you have.

3149

3150 I would like to elaborate additionally on the proximity of this project to Wedgewood Manor, the
3151 single-family subdivision. If you will note, the dimensions aren't shown, but no there's building
3152 that's closer to within 75 feet of the Wedgewood Manor property line. So, we have exceeded the
3153 required setbacks and that's for several reasons. One, is of course, the drainage area that goes
3154 through there. I think it was more appropriately described as a creek. It functions more as a
3155 creek rather than a drainage ditch as it were. It does have trees growing along the banks. We
3156 would like, as well as the residents of Wedgewood Manor, would like to preserve those trees or
3157 make sure that there is adequate buffer between this development and their neighborhood. We
3158 will work with Public Works and I hope they will be receptive to coming up with some alternative
3159 ideas to preserve this creek and the trees while maintaining or minimizing the maintenance that
3160 they will have in the future. We can do things such as getting a positive flow in the bottom of the
3161 ditch. I think we can do a lot of handwork with rip rap to stabilize erosion to make sure that that

3162 is not a maintenance problem for the County. It's also problematic to put a pipe of the size that's
3163 coming to this low area in the ground. If we put the pipe in then the top of the pipe is going to be
3164 above the ground, so we will have to berm over top of it and then we will have two little ditches
3165 on either side of the pipe. We don't think that the solution for this particular creek. So, we do
3166 endeavor to work with Public Works to come up with a satisfactory result in dealing with this
3167 particular creek.

3168
3169 Regarding the architectural changes from the original submittal, I've brought some exhibits that I
3170 can pass out if I can approach. What the first set of exhibits indicate is the colors which are not
3171 very accurate at all on these kinds of computer generated drawings.

3172
3173 Mr. Vanarsdall - What is the material, vinyl?

3174
3175 Mr. Dodd - It's vinyl, proposed vinyl. But, to show a better example of what we are
3176 proposing, I brought photographs that will better exemplify what the building actually looks like.
3177 The only purpose of the first exhibit I passed out is to show the addition of shutters. This is a
3178 project that was built but does not have the shutters. But, we agree that adding the shutters
3179 would make it more residential in nature and cut down on the scale of the particular buildings.
3180 Regarding the special exception to allow three stories, if you look at your site plan you can see
3181 that we have reserved a tremendous amount of green areas and a tremendous amount of tree save
3182 on this particular site, to get the unit density that we have arrived at. If we were not allowed to
3183 have three stories, I think the density is still allowed, but we would have to add more buildings.
3184 And, of course, that's more positive to the developer but I think also it is an added benefit to the
3185 County and that we can have this tremendous green and tree save areas.

3186
3187 We have also maximized building setbacks, as I alluded to, between Wedgewood Manor with 75
3188 feet from the property line there. So, we would ask that you approve our request for special
3189 exception to the three stories because we feel that it is minimal impact to the surrounding
3190 neighborhood because of the tree save and the increased setbacks. With that, I'll be glad to stand
3191 by and answer any questions you may have.

3192
3193 Mr. Archer - Are there any questions by Commission members?

3194
3195 Mr. Zehler - Mr. Dodd, on your original site plan you showed brick on your buildings, I
3196 don't see any brick. Can you explain how we went from brick to vinyl?

3197
3198 Mr. Dodd - Well, the original submittal was in error. I had left that up to the architect
3199 without reviewing it personally since we deal mainly with the site plan. That submission was an
3200 error. It does boils down to economics. We are required to build about 2,200 feet of three lane
3201 roadway, which is on the City's master road plan and that greatly effects the economics of
3202 development. From the photographs, I think there's one addition that's different from the
3203 photographs, I'm sorry two additions, the shutters and also we are planning these brick
3204 foundations. So, in situations where you have different elevations between the front of the
3205 building and the back of the building sometimes you will see block covered with a drivit kind of a

3206 material. In those situations you will see brick and there are hills in Henrico County so that will
3207 be prevalent when all of the buildings are of brick foundations.

3208
3209 Mr. Zehler- Getting back to the roads. When you purchased, or the current owner you
3210 are representing for this property, was he made aware at that time that this road was required to
3211 be constructed?

3212
3213 Mr. Dodd - I don't think he was made aware of it until he hired us and we did our due
3214 diligence to determine what the site required. And at that time, staff did let me know, and I
3215 passed it on to my client that the road was going to be a requirement.

3216
3217 Mr. Zehler - So, when he purchased it from whomever he purchased it from, he was
3218 never disclosed that there was a requirement to build the road?

3219
3220 Mr. Dodd - He hasn't closed on the property. This is all part of his due diligence that
3221 we are going through today.

3222
3223 Mr. Zehler - Okay. So, this is under contract?

3224
3225 Mr. Dodd - Yes.

3226
3227 Mr. Zehler - You did address the dumpsters on pads. Will they be screened with a
3228 fence?

3229
3230 Mr. Dodd - Yes, they will. They will be screened, fenced, landscaping will be around
3231 them. Although, the landscape plan is not before you today, that will be included.

3232
3233 Mr. Zehler - Based on the picture I'm looking at, it appears that these units are on
3234 concrete slabs.

3235
3236 Mr. Dodd - That's correct.

3237
3238 Mr. Zehler- Is that the anticipation with these apartments?

3239
3240 Mr. Dodd - The apartments or projects that this client builds, the concrete slabs are
3241 elevated about one foot difference between the actual finish floor and the highest outside
3242 elevation. That allows for the flower beds and you will see some foundations, but it's not a crawl
3243 space.

3244
3245 Mr. Zehler - So, what foundations you do see, you will see it in brick?

3246
3247 Mr. Dodd - Yes, you will.

3248

3249 Mr. Zehler - I don't see any in this picture. I see vinyl, it looks like to me, all the way
3250 down to the ground.

3251
3252 Mr. Dodd - It shows up more prevalent, and it's unfortunate it didn't take that
3253 particular kind of picture, on the other photograph (referring to pictures). If you were to
3254 envision, that's brick across there, so you do get to see some of the brick. And if this elevation to
3255 the ground is lower than this, and, of course, if the floor is level it would fall down and you will
3256 see bricks in those parts. So, it's not extensive brick but it is some brick.

3257
3258 Mr. Zehler - I don't have any other questions, Mr. Chairman. I would like to hear from
3259 the opposition, if I may.

3260
3261 Mrs. Wade - Are there any play areas included? I see you have a pool and a house, are
3262 there any play areas or a tot lot or anything like that?

3263
3264 Mr. Dodd - Yes. There will be tot lots. This size project, the locations may not be
3265 shown but I mean there is plenty of room for tot lots. All of the developments that we do, they
3266 have recreation areas, passive or active for young kids.

3267
3268 Mr. Archer - Mr. Dodd, in looking at the driving areas, parking areas, I guess, between I
3269 can't really tell what buildings these are, but the parking areas are there any turnarounds allowed
3270 at the end of the parking isles, or has space been allotted for that?

3271
3272 Mr. Dodd - There is no cul-de-sac per se but there is a curb return. (Mr. Dodd
3273 approached the podium)

3274
3275 Mr. Archer - I'm looking at it right here. If a car were to drive down in here and found
3276 out that all of the spaces were taken, is there enough room to turn around or would they have to
3277 back all the way out.

3278
3279 Mr. Dodd - They would have to back out or turn around in the striped off handicapped
3280 access.

3281
3282 Mr. Archer - Okay.

3283
3284 Mr. Dodd - The length of those lots doesn't exceed what the Police and Fire would
3285 accept.

3286 Mrs. Wade - I assume your buildings have sprinklers.

3287
3288 Mr. Dodd - Yes. The BOCA requires that.

3289
3290 Mr. Zehler - Mr. Chairman, if I might, could I have a representative from Public Works
3291 up next before the citizens come because my questions might reflect some of their concerns also.

3292

3293 Mr. Archer - Sure.
3294
3295 Mr. Hicks - I'm Al Hicks from the Department of Public Works.
3296
3297 Mr. Zehler - The way this condition is written "and if it is deemed necessary by the
3298 County Engineer that piping is required." In your opinion is there a possibility that all of this, all
3299 of the trees could be removed from the existing easement?
3300
3301 Mr. Hicks - No, sir. If you go out onto the site most of the trees seems to be on the....
3302 Basically, there is an easement, a sanitary sewer easement that parallels the ditch, it runs along the
3303 property. The Department of Public Works feels that any piping necessary could be possibly done
3304 closer to that easement so as to limit the amount trees to be disturbed. It is not in my opinion that
3305 all of the trees will have to be removed to put in some type of closed system.
3306
3307 Mr. Zehler - Is there an alternative to piping like rip rap or something of that nature?
3308
3309 Mr. Hicks - Yes. I've suggested to the consulting engineer that we meet and we
3310 discuss piping and we also discussed many possible alternatives such as rip rap or bank restoration
3311 to improve the ditch. The ditch does need improvement. There is some erosion on the residents'
3312 side of the ditch. There's standing water. There are trees along the ditch. And right now there is
3313 not a proper conveyance of water from point A to point B. So, there is something that needs to
3314 be done. Our suggestion is that it's pipe simply because it creates less of a maintenance problem.
3315 We have also offered to the engineer, there are wetlands in that area and we have offered that if
3316 the ditch needs to be piped that we locate the piping outside of the ditch and also use some type
3317 of diversion structure to continue to feed the wetlands, not to drop the wetlands but.... We feel
3318 that there needs to be something done. I can't say that we are totally opposed to any alternative
3319 other than piping. I would like to get with the engineer and sit down and talk with him about
3320 other alternatives.
3321
3322 Mr. Zehler - Is there a possibility there could be a meeting of the minds, let's say within
3323 the next 30 days, prior to us approving this project and come back to myself and the Commission?
3324
3325 Mr. Hicks - I would think that we could can come to some type of agreement of what
3326 needs to be done, if that's okay with the engineer on the project, that we meet within 30 days and
3327 come to some type of agreement on what needs to be done.
3328
3329 Mr. Zehler - Thank you. You answered my question.
3330
3331 Mr. Archer - Are there any other questions of Mr. Hicks? Thank you, sir. And, we have
3332 some opposition I do believe. Sir, do you represent the entire group?
3333
3334 Mr. Turner - I'm currently the safe zone house 4700 hundred block of Kinlock Court
3335 (unintelligible, person was not at the mike when he spoke).
3336

3337 Mr. Turner - Ladies and gentlemen of the Commission, Mr. Chairman, and Mr. Zehler
3338 you are our representative of the Varina District.

3339
3340 Mr. Archer - Sir, would you state your name.

3341
3342 Mr. Turner - My name is David Turner. I reside at 4724 Kinloch Court. As I mentioned
3343 earlier, my house and other neighbors in the actual area are actually safe zones for the kids in our
3344 community. If you go back and pull a police report, it hasn't been a major police response to that
3345 actual area because we do have a strong community watch program. I'm saddened to hear that
3346 the developer is going to waste wasteland or water land or wetland to build another apartment
3347 complex. We have Wedgewood Manor which is right there beside us, which is I think Section 8,
3348 Government Subsidized. We have in our community a strong Christian belief that you can go and
3349 knock on any door and you will be welcomed in. My property is 4724 Kinloch Court. If you will
3350 actually look at the photo shot that Mr. Hicks from Public Works showed you, you will see the
3351 actual outlay. You have not been told the whole total picture. Once the actual area is developed,
3352 and, Mr. Zehler, I'll invite you to my house at anytime. I'd be more than happy to walk you
3353 through the whole property or anyone of my other neighbors here. The picture was taken prior to
3354 actually cleaning up. The sand is 165 feet development from Oakleys Lane which is actually right
3355 there in the middle part of the wetlands. We have just now started to have the geese fly over, the
3356 ducks fly over. If you may recall, some time back, there was an incident where a black bear was
3357 struck by assistance by an officer known as AT&T. This is the actual property that is connected
3358 to S. Laburnum and Oakleys Lane. Deer, squirrels, rabbits, fox, any type of animal you want to
3359 see may be seen at any given time at that location. The property that they say is a sewer line
3360 running down the easement. This is true. But they are saying they want to develop, how many
3361 feet, maybe 10 or 15 feet. If you look at it, from my point of few and some of my neighbors point
3362 of view, as soon as you step out of back of your door, you will see the back of an apartment
3363 building. And I think I speak for my neighbors and anyone who lives in the County and pays
3364 taxes, you don't want to have an apartment complex staring you in the face 365 days a year,
3365 regardless of what the quality is. We are willing to compromise. We don't want to see the
3366 apartments. Leave the woodlands alone. This is what I'm saying. As far as the buffer, you have
3367 the easement, you have the natural water drain-off. We haven't complained about it. They are
3368 concerned about it. We actually clean up the whole area. Everyone in the neighborhood, on my
3369 side of the street, on the 4700 even side, has actually agreed to leave the trees where they are,
3370 leave it natural. We clean it up, let the kids get a little country setting within the city.

3371
3372 We have actually joined together, some of you may have heard of it, "Unity in The Community"
3373 where everyone in the area is actually committed to coming forth. We have been carrying this out
3374 every since the first house was built in that subdivision. People from all over, from both sides,
3375 Kinloch Court and Kinloch Street. The neighbors from Sydclay Drive have come over to our part
3376 of the neighborhood to enjoy themselves on the Forth of July. We have even, to actually have an
3377 apartment complex, you have sound which right now there is no police response, there is no
3378 sound. The only sound we actually here is from the Fire Department when they use the access to
3379 Finlay Street going to Oakleys Lane.

3380

3381 Mr. Zehler - David, I don't mean to be cutting you short. We are not here today for a
3382 zoning case. The property is already zoned R-5, which is for apartments. We are here today look
3383 at a plan for those apartments and unfortunately, basing on your conversation and the way you are
3384 talking, you don't want apartments. Well, unfortunately, it's zoned for apartments. We need to
3385 try and focus on the quality and the type of apartments that we are going to get on this particular
3386 piece of property because it is zoned and that's the use for the property.

3387
3388 Mr. Turner - If its zoned residential why couldn't they expand the actual cul-de-sac, as
3389 far as houses, instead of putting up something that's going to end up looking like the Jarretts
3390 Apartments, right at our back doors? We are already looking at Wedgewood Manor.

3391
3392 Mr. Zehler - Did Mr. Mehfoud zone this property years ago?

3393
3394 Mr. Silber - I'm not sure when it was zoned R-5.

3395
3396 Mr. Zehler- Because there are no conditions on it that's probably why it was done years
3397 ago.

3398
3399 Mr. Silber - In the R-5 zoning district, you can not do single-family homes. It's not
3400 even a permitted use as currently zoned.

3401
3402 Mr. Turner - We would like to have it at least 200 feet from the sewer line. So, that the
3403 wetlands would not be disturbed. We would like to walk outside in our backyards and sit on our
3404 decks and not see a group of apartments.

3405
3406 Mr. Zehler - Have you met with Mr. Dodd or are you familiar with who the gentleman
3407 who is here today that's representing the owner?

3408
3409 Mr. Turner - Mr. Zehler, to be honest with you, I just received this letter about four or
3410 five days ago. If I had not gone and spent my money to make copies some of my neighbors
3411 would not even know about this. I would like to have you come out, or we could meet you
3412 somewhere, sit down and talk, as far as you are our representative, to see exactly what can we do
3413 about this.

3414
3415 Mr. Zehler - Would you like for Mr. Dodd to be present so that he can present these
3416 elevations and everything and you all can have some input?

3417
3418 Mr. Turner - Yes, sir. I would like to have the whole community there. It could be at
3419 one of our houses or we can actually rent a room. You just say the date and time, I'm quite sure
3420 we will be there. It just took us by surprise that someone is going to come into our backyards and
3421 put up apartment buildings and didn't even have the courtesy to tell us about it. The safety of our
3422 kids, is there going to be a wall. What type of lighting? What type of rent are you talking about?
3423 Everyone says the East End. We are trying to build up the community. There are homes in that
3424 actual cul-de-sac that averages between \$125,000 up to \$145,000 plus. If you put an apartment

3425 complex right directly behind us the property value is going to drop. These are our major
3426 concerns. I don't mean to take up your time but this is what my community would like for me to
3427 express.

3428
3429 Mr. Zehler - It's quite obvious, based on the conversation and the rest of the residents
3430 here, and I'm sure you can stir more interest, if given more time. I think Mr. Dodd, and I've
3431 spoken to him and I think he will be agreeable to sit down and meet with me and the community
3432 and himself. We will go over the architectural. I do have some concerns and I've passed them
3433 on to him, and I think at this present time, I don't think we are going to get anywhere today. We
3434 are not going to accomplish anything. I think the best thing for us to do is you give Mr. Dodd
3435 your name and phone number as a contact for the community and then Mr. Dodd and I can get
3436 our heads together and maybe get the Eastern Government Complex, we can have a meeting over
3437 there and get everybody together. Is that agreeable with you, Mr. Dodd?

3438
3439 Mr. Dodd - Is it possible that we can do it in two weeks?

3440
3441 Mr. Zehler - I don't see how we can.

3442
3443 Mr. Turner - We have a strong community. We have different people work different
3444 shifts. I work for the Sheriffs Department, I do Civil Process, but I also patrol the East End and
3445 the actual value and even the name. What type of name is Oakton. Give it a classic name that
3446 would bring up the East End, that will attract people there that are willing to be there and want to
3447 live there. Instead of picking a name out of a hat and say this is Oakton. Give the community to
3448 say this is what we want to call it.

3449
3450 Mr. Zehler - I think if you get a list of all your concerns and get them on paper, and we
3451 will have a meeting of the minds and see if we can come to a workable solution as far as the
3452 applicant, myself, and you.

3453
3454 Mr. Turner - I'd be more than happy to, sir.

3455
3456 Mr. Zehler - And if you will give that to Mr. Dodd. Mr. Dodd, are you agreeable to a
3457 30-day deferral, sir?

3458
3459 Mr. Dodd - I'm available for two-weeks but if 30 days is the pleasure of the
3460 Commission then so be it.

3461
3462 Mr. Zehler - Okay. It will be at the pleasure of the Commission.

3463
3464 Mr. Turner - Thank you.

3465
3466 Mr. Zehler - With that, Mr. Chairman, I move that case POD-22-98, Oakton
3467 Apartments, be deferred until March 24, 1998, at the Commission's request.

3468

3469 Mrs. Wade - Second.
3470
3471 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mrs. Wade. All in
3472 favor say aye...all opposed say nay. The motion passes.
3473
3474 The Planning Commission deferred POD-22-98, Oakton Apartments, to its meeting on March 24,
3475 1998. Mr. Donati was absent.
3476
3477 Mr. Vanarsdall - Mr. Chairman, before we go on I would like to ask Mr. Secretary a
3478 question.
3479
3480 Mr. Silber - Yes, sir.
3481
3482 Mr. Vanarsdall - We have about three cases today I think it was, maybe it was only two, and
3483 it referred to this letter. Where does the letter originate and what is the ruling on how many days
3484 it have to be in the hands of the people it is effecting?
3485
3486 Mr. Silber - Mr. Vanarsdall, I may need to ask for assistance. I'm putting him on the
3487 spot, maybe Mr. O'Kelly can help me with this question. The notice letters I think go out a
3488 minimum of, I think by law, a minimum of five days. Is that correct, Dave?
3489
3490 Mr. Vanarsdall - So, the law controls the number of days?
3491
3492 Mr. Silber - Yes, sir.
3493
3494 Mr. O'Kelly - Actually, Mr. Secretary, the notice letters are required by Ordinance to be
3495 sent out eight days prior to the hearing. Staff has to certify, I do as acting secretary, that the
3496 notices have been mailed within the specified time. As I recall, the last meeting, I had to be off on
3497 the date that the notices are usually sent out. I specifically requested the staff that the affidavits
3498 and notices be available several days prior to the deadline. Also, February 18 was a holiday. To
3499 my knowledge, they should have been mailed well before February 18.
3500
3501 Mr. Vanarsdall - Mr. O'Kelly, let me ask you. When you say they have to be mailed, you are
3502 saying eight days before what?
3503
3504 Mr. O'Kelly - Before this hearing date, today.
3505
3506 Mr. Vanarsdall - Before the hearing date, okay. Well that should be plenty of time.
3507
3508 Mr. O'Kelly - They were mailed prior to February 18, the Friday before, if not before that.
3509
3510 Mr. Vanarsdall - Thank you.
3511
3512 Mr. Archer - Thank you, Mr. O'Kelly. Mr. Secretary, our next case, please.

3513
3514
3515

PLAN OF DEVELOPMENT & SPECIAL EXCEPTION

POD-20-98
The Chesapeake at
Virginia Center Phase
2
(POD-85-96 Revised)

TIMMONS for Virginia Center: Request for approval of a plan of development and special exception, as required by Chapter 24, Sections 24-94(b) and 24-106 of the Henrico County Code to four, three-story multi-family apartment buildings totaling 88 units. The 6.3-acre site is located on the northwest corner of Brook Road (U.S. Route 1) and Virginia Center Parkway on parcel 33-A-9 and part of 33-A-8. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Fairfield)**

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3519

Mr. Archer - Is there anyone in the audience in opposition to POD-20-98, The Chesapeake at Virginia Center, Phase 2? We have opposition. Mr. McGarry.

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3521
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3524
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3528

Mr. McGarry - This is the second phase of development for this project. All of the access to the ingress and egress to these units will come through the first phase and enter off of the divided driveway to Virginia Center Parkway. But the environmental and design engineers are satisfied with the BMP design, that was the one outstanding issue that was identified in your staff report. That has been taken care of to staff's satisfaction. The applicant will have to present his case for special exception. Again, this is a three-story apartment building. So, if the Planning Commission approves the special exception, staff can recommend approval of the plan subject to the standard conditions and conditions Nos. 23 through 33 and the annotations on the plan.

3529
3530
3531

Mr. Archer - Mr. McGarry, you spoke to the representative the other day. Did you indicate that the BMP has been sized to what you would care for it to be and moved?

3532
3533
3534

Mr. McGarry - It has been moved out away from the yard setback requirements and the sizing and the location are now satisfactory to Public Works as well as to Planning.

3535
3536

Mr. Archer - Okay. Thank you. Are there any questions of Mr. McGarry?

3537
3538

Mrs. Wade - What's the setback now from the property line from the apartments?

3539
3540
3541

Mr. McGarry - You have two setbacks. From Brook Road it's 35 feet and it's 25 feet along Virginia Center Parkway.

3542
3543

Mrs. Wade - From Brook Road, is that from the right-of-way or from the curb?

3544
3545

Mr. McGarry - That is from the right-of-way.

3546
3547

Mrs. Wade - There are some over there that looks awfully close to the highway.

3548 Mr. McGarry -Staff's understanding is that VDOT is not asking for anything more than a
3549 temporary construction easement along the applicant's property.

3550
3551 Mr. Archer - Are there any other questions? If not, we will hear from the applicant.

3552
3553 Mr. Johns - Good afternoon. I'm Bill Johns with TIMMONS. I'm here today
3554 representing Security Capital who is the developer of this project. This is, as Mr. McGarry said,
3555 the Phase II portion of a project that fronts on Virginia Center Parkway. We appreciate his help
3556 in this matter in resolving the issues relative to the BMP. The fact of the matter is, the BMP issue
3557 is that we have been allowed to reduce the BMP in size. We are in agreement with all of the
3558 staff's comments at this time and we don't have any problems with any of those. I would like to
3559 point out that this project is not accessing either Route One or Virginia Center Parkway on its
3560 property line, but it's going to be accessing back through the Phase I development. With that I
3561 would like to request a special exception to the height restriction to allow three-story buildings.
3562 If you take a look at our plan, you will notice that what we have attempted to do here is preserve
3563 the corridor along Virginia Center Parkway setting the units back some distance off of that.
3564 Consequently, that's limited the number of buildings we can have and in turn we would like to
3565 request the height restrictions be raised to allow us to have three-story buildings. These are the
3566 same buildings that are in Phase I. They are brick buildings. They will have an automatic
3567 sprinkler system. We worked through several different layouts and this layout is the one that best
3568 presents itself to this corner and for that reason we need to make that special request for that.

3569
3570 I do know that the Highway Department is asking us for 15-foot construction easement along
3571 Route 1. They are in the process of developing plans right now, that's my understanding, that in
3572 the Fall 1998 Route 1 improvements from VDOT are going to start construction. They are going
3573 to advertise that to bid and shortly thereafter go to construction to improve traffic circulation in
3574 this area. With that, if you have any questions that I can answer, I'd be certainly glad to.

3575
3576 Mr. Archer - Mr. Johns, are the buildings in the phase next to this all three story?

3577
3578 Mr. Johns - Yes, sir.

3579
3580 Mr. Archer - What about on the other side of Virginia Center Parkway?

3581
3582 Mr. Johns - I think they are, they are also three-story buildings.

3583
3584 Mr. Archer - The area that is adjacent to Virginia Center Parkway, it shows the BMP
3585 basin and there is a lot of open space in there, is there any intended use for that open space or is it
3586 just going to be green space?

3587
3588 Mr. Johns - It's going to be greenspace. That's one of the things that we looked at.
3589 The BMPs are configured with two berms there. They are drop ons and they are configured to
3590 utilize the natural ground. We are not going in to excavate anything out. That's the reason they
3591 are kind of linear there. And what we will try to do is keep that corner as natural as possible.

3592
3593 Mr. Silber - There are no plans at this point to ever come back with another building in
3594 that location.
3595
3596 Mr. Vanarsdall - Are you talking about in that green area, that open space, Mr. Chairman?
3597
3598 Mr. Archer - Yes.
3599
3600 Mr. Vanarsdall - So, what do we have to insure us that nothing will ever be in it? Is there a
3601 condition on here?
3602
3603 Mr. Johns - Well, we have 88 units and we are, per zoning, are not allowed any more
3604 units. We are pretty close to the 88 to the maximum density per acre here.
3605
3606 Mrs. Wade - Are you all still building your garages flush with the street? Somebody I
3607 talked to, after you did the ones at Cox and Three Chopt, and the garages, the doors are right at
3608 the edge of the driveway.
3609
3610 Mr. Johns - No. There's a little setback not right in the driveway, it's across from the
3611 setback off of it a little bit.
3612
3613 Mrs. Wade - So, they are back a little ways? The ones out there on Three Chopt would
3614 look better if they weren't right up on...
3615
3616 Mr. Johns - There's a little bit of a return you will notice on these. They are located in
3617 strategic locations here, if you look at the plan. If you have any questions, the owner here is
3618 Doug Snyder. He did the other phase there, if you would like to ask questions of him.
3619
3620 Mr. Archer - Are there any other questions of Mr. Johns? I believe we do have some
3621 opposition or some observations.
3622
3623 Mrs. Dowdell - Good afternoon. My name is Florence Dowdell and I reside at 10517
3624 Wylie Lane. It's in Magnolia Ridge. It's adjacent to these apartment buildings. Our concern is
3625 for the traffic flow. These buildings are not even completed and right now we are having traffic
3626 problems due to the fact that people are aware now that there is an extension of Virginia Center
3627 Parkway that goes all the way around to the Target facility, and people are now using this as a
3628 means to avoid Brook Road traffic. If you put in the concentration of units that you are planning,
3629 you are increasing the traffic flow automatically. And the concern is what is going to happened to
3630 that whole Virginia Center Parkway curve that's going around there now. We have a problem
3631 now getting out of our homes.
3632
3633 Ms. Hayes - My name is Melinda Hayes. I live at 10500 Wylie Lane, which would be
3634 your first right-hand turn off of Virginia Center Parkway, just up from the driveway from the
3635 apartments. We are not necessarily against the second stage. The second phase of these

3636 apartments, 88, but the first phase there are more than 88 in that first phase. I think there is
3637 something like 12 buildings and, what is it, 24 apartments to each building. What is happening off
3638 of Virginia Center Parkway, people turn, make that left-hand turn onto Virginia Center Parkway.
3639 They are using it not only to gain access to Target but also to gain access to Lee's Crossing,
3640 which is that left-hand turn there or Francis Road. When I go into Magnolia Ridge which is
3641 single-family homes, I have to make the first right-hand turn. The first right-hand turn is
3642 immediately behind the driveway that gives access to the apartments. Now we know that with 80
3643 some apartments in Phase II, we don't know how many people are going to be in Phase I.
3644 Combined, that's going to be quite a number of people accessing. There are also apartment
3645 buildings being built across the street, basically across the street from where they are building and
3646 the people who are making a left-hand turn off of Brook Road, Brook Road into Virginia Center
3647 Commons, will basically have to come down Virginia Center Commons, hang a U-turn and go
3648 back on their side of the street to gain access into their building. That's going to make a
3649 bottleneck coming off, which we have all the time anyway, fender benders when you come off of
3650 Route 1. On the Ashland exit, Route 1, onto Brook Road, people are playing a mad scramble to
3651 get to the left-hand lane so they can turn in.

3652
3653 Also further up, Virginia Center Commons, is a community of ranch villas that also have to come
3654 up Virginia Center Parkway. There is no alternative route. Anybody that's going that way
3655 between Brook Road and Target, take the Virginia Center Parkway, and that's going to be a
3656 mess. As I said, we are having some problems now. With me being the first right-hand turn,
3657 when I come out to get onto Virginia Center Parkway I really have to watch. There is a little bit
3658 of a blind spot and people come around and then the next thing you know there's a car looking at
3659 you and you're not out there. Those units are empty right now but people are going to come and
3660 when people come they are going to bring cars. For the most part, there is no bus that runs out
3661 there so most of these people are going to be two-car families, minimum. That is our concern.

3662
3663 Mr. Archer - And what is your name again, ma'am, I'm sorry.

3664
3665 Ms. Hayes - My names is Melinda Hayes.

3666
3667 Mr. Archer - Thank you, Ms. Hayes. Are there any questions of these two ladies by
3668 Commission members?

3669
3670 Mr. Vanarsdall- Are all of those ranch condos completed?

3671
3672 Mrs. Dowdell- No. They are just about winding down but they are not all done.

3673
3674 Mr. Vanarsdall - I know some people who moved in over there and I didn't think it was
3675 completed, but they are going forward with them.

3676
3677 Ms. Hayes - Yes. And we are taking that into consideration too, all of those units
3678 aren't filled. I don't know the exact number of apartments that we have in Phase I, there are a lot
3679 of them and we live right... There are two cul-de-sacs. You take a turn right off of Wylie, there

3680 are two cul-de-sacs and that's where we live. We are probably in the minority as the majority of
3681 the homes in that (unintelligible) across the other side of Virginia Center Commons. But, they too
3682 have to make turns. I can see people trying to get the turn off over here to go to Lees Crossing,
3683 get the turn off to go into the apartments and then having somebody make a U-turn to come back
3684 to this side set of apartments. We are going to have some problems.
3685

3686 Mr. Archer - Ms. Hayes, you are aware, as Mr. Zehler stated in the last case, that the
3687 zoning does permit apartments to be built there.
3688

3689 Ms. Hayes - I have no problem with the apartments, I'm concerned about the traffic
3690 flow. There is no other way that they can access those apartments except from Virginia Center
3691 Commons. They can't make a turn in from Brook Road. If they turn in from Brook Road, they
3692 have got to come to Virginia Center Commons. That's the only access. I don't have a problem
3693 with the apartments, I've lived in a lot of them. I'm concerned about what's going to happen with
3694 the traffic.
3695

3696 Mr. Archer - Thank you, ma'am.
3697

3698 Ms. Hayes - You're welcome.
3699

3700 Mr. Archer - Mr. Eure, since you are the only traffic person here can you come up,
3701 please?
3702

3703 Mr. Vanarsdall - That was kind of a left-handed compliment, wasn't it?
3704

3705 Mr. Archer - It wasn't intended that way.
3706

3707 Mr. Eure - I'm Todd Eure, traffic engineering. I think the best thing for me to do is
3708 get with these ladies and get a phone number and we can recontact them and address the overall
3709 traffic issues they have. It sounds like they are not so much opposed to this specific development
3710 as opposed to the general problems created by the bulk of the development, both the apartments,
3711 the retail and the people short cutting through it. Maybe we can address that separately with
3712 them to save time here at the Commission.
3713

3714 Mr. Archer - Mr. Eure, are you aware of anything being offered for improvement for the
3715 traffic flow in that area in general, down at Francis Road where it cuts back to the left?
3716

3717 Mr. Eure - Yes, sir. As Mr. Johns said, first off, Route 1 is scheduled to be widen by
3718 VDOT within the next several years to a six-lane section with additional turn lanes and that will
3719 help divert some of the traffic back on to Route 1. It's currently using the side roads that's going
3720 to short cut to avoid the congestion that we have been experiencing out there, especially during
3721 the Christmas holidays. There were a number of problems during the holidays which we already
3722 made VDOT aware of along with Police at a safety meeting had last month. In addition, Francis
3723 Road is scheduled for some improvements. I think that's schedule for 1999 by the County as well

3724 as the fact that eventually it's shown on the Major Thoroughfare Plan. Woodman Road is
3725 scheduled to be extended from the existing intersection at Greenwood Road, loop back up and tie
3726 into J.E.B. Stuart Parkway, beside Target. And, again, that will help divert some of the traffic out
3727 of the Magnolia Ridge section that they are concerned about. So, there are some improvements
3728 scheduled, nothing in the immediate future but there are certainly some things that we can look at
3729 on their behalf to either work with VDOT on or ourselves to look into. We will be glad to do
3730 that.

3731
3732 Mr. Archer - Now, this is the area that was originally designated by VDOT for a fly way.
3733 Is this a part of that?

3734
3735 Mr. Eure - Originally it was. There was an urban interchange concept thrown about
3736 out there that would have potentially used up part or all of this parcel. But, based on their last
3737 revised traffic impact study for Virginia Center development, it was basically, the requirements
3738 were reduced to improvement to the interchanges, the lane widening that would accommodate the
3739 traffic as projected to their build out condition.

3740
3741 Mr. Archer - Are there any other questions of Mr. Eure by Commission members?
3742 Thank you, Mr. Eure. Mrs. Dowdell and Ms. Hayes, we appreciate you making those comments.
3743 We are aware of what is there and we are sensitive to it and I think that is why Traffic is in the
3744 process of studying that area to see what improvements can be made. But, we do have to take
3745 action on this one way or the other. As for the special exception to allow the three stories, the
3746 buildings that are located adjacent to these properties are three stories so it wouldn't be out of the
3747 ordinary to have three-story buildings in this area. They are in keeping with the architecture that
3748 is currently in place there. So, with that, I move to allow approval of the three-story exception.

3749
3750 Ms. Dwyer - Second.

3751
3752 Mr. Archer - The motion was made by Mr. Archer and seconded by Ms. Dwyer to allow
3753 the three-story exception. All in favor say aye...all oppose say nay. The motion passes. And, as
3754 for POD-20-98, the problems or concerns that the staff had with the development of this
3755 particular phase have been addressed to the satisfaction of the Planning staff and therefore I move
3756 approval of POD-20-98, subject to the annotations on the plan, standard conditions for
3757 developments of this type and the addition of conditions Nos. 23 through 33.

3758
3759 Ms. Dwyer - Second.

3760
3761 Mr. Archer - The motion was made by Mr. Archer and seconded by Ms. Dwyer. All in
3762 favor say aye...all oppose say nay. The motion passes.

3763
3764 The Planning Commission approved POD-20-98, The Chesapeake at Virginia Center Phase 2
3765 (POD-85-96 Revised), subject to the standard conditions attached to these minutes, the
3766 annotations on the plans and the following additional conditions. Mr. Donati was absent.

3767

- 3768 23. The entrances and drainage facilities on U.S. Route 1 shall be approved by the Virginia
3769 Department of Transportation and the County.
3770 24. A notice of completion form, certifying that the requirements of the Virginia Department
3771 of Transportation entrances permit have been completed, shall be submitted to the
3772 Planning Office prior to any occupancy permits being issued
3773 25. The developer shall provide fire hydrants as required by the Department of Public Utilities
3774 in its approval of the utility plans and contracts.
3775 26. The certification of building permits, occupancy permits and change of occupancy permits
3776 for individual units shall be based on the number of parking spaces required for the
3777 proposed uses and the amount of parking available according to approved plans.
3778 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the
3779 County Attorney prior to final approval of the construction plans by the Department of
3780 Public Works.
3781 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
3782 approved by the County Engineer prior to final approval of the construction plans by the
3783 Department of Public Works.
3784 29. Insurance Services Office (ISO) calculations must be included with the utilities plans and
3785 contracts and must be approved by the Department of Public Utilities prior to the issuance
3786 of a building permit.
3787 30. The approval of the construction plans by the Department of Public Works does not
3788 establish the curb and gutter elevations along the Henrico County maintained right-of-
3789 way. The elevations will be set by Henrico County.
3790 31. The approval of the construction plans by the Department of Public Works does not
3791 establish the curb and gutter elevations along the Virginia Department of Transportation
3792 maintained right-of-way. The elevations will be set by the contractor and approved by the
3793 Virginia Department of Transportation.
3794 32. The unit numbers shall be visible from the parking areas and drives.
3795 33. The names of streets, drives, courts and parking areas shall be approved by the Richmond
3796 Regional Planning District Commission and such names shall be prescribed on the
3797 construction plans prior to their approval. The standard street name signs shall be ordered
3798 from the County and installed prior to any occupancy permit approval.
3799

3800 **SUBDIVISION**
3801

Glendale Meadows
(February 1998 Plan)

R. K. Thomas & Associates for Daniel Builders: The 30.14-acre site is located along Warriner Road, 0.5 mile south of Charles City Road on parcels 243-A-8. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **8 Lots (Varina)**

- 3802
3803 Mr. Archer - Is their anyone in the audience in opposition to subdivision Glendale
3804 Meadows?
3805
3806 Mr. Zehler - Is the representative here?
3807

3808 Mr. McGarry- Yes, he is.
3809
3810 Mr. Archer - No opposition.
3811
3812 Mr. McGarry -Todd Joliffe is here for R. K. Thomas. You have an addendum item. Item No. 13
3813 has been revised. Staff can recommend approval of this plan with the eight lots, subject to the
3814 standard conditions and conditions Nos. 11 through 13 with No. 13 revised to read: Each pair of
3815 lots shall provide a single shared driveway connecting to Warriner Road, or as approved by the
3816 Director of Planning at time of final approval. We are writing a little bit of wiggle language in
3817 there because, and direct application of that as original condition No. 13 doesn't address the fact
3818 that the existing house that's in this development would like to keep its own driveway. There
3819 maybe some sight distance problems on several of the lots, at the curve there on Warriner Road.
3820 The objective is to get the shared driveways where we can but we realize we will have to make
3821 some exceptions.
3822
3823 Mr. Zehler - How about a road maintenance agreement? You may have two parties and
3824 they will start arguing about who is going to do what.
3825
3826 Mr. McGarry- That is something that we would normally apply at the final plat review
3827 time and that will be required.
3828
3829 Mr. Archer - Okay. Are there any further questions of Mr. McGarry?
3830
3831 Mr. Zehler - Ten-foot road widening, is that construction or dedication?
3832
3833 Mr. McGarry -I believe that is only for.... I know we are getting dedication.... There will be
3834 some widening.
3835
3836 Mr. Zehler- I'll need the applicant to come forward please.
3837
3838 Mr. Joliffe - My name is Todd Joliffe and I work for R. K. Thomas & Associates.
3839
3840 Mr. Zehler- Based on the way the plan is written, Todd, the only concern I have is
3841 showing a ten-foot road widening which I'm reading that you are agreeing to widen that road 10
3842 feet, that whole distance.
3843
3844 Mr. Joliffe - That would be the dedication, that's all that is. There will be an ultimate
3845 addition to pavement and shoulder on that road but it won't be a total 10-foot-road widening.
3846 That's just the 10 foot dedication.
3847
3848 Mr. Zehler - I will feel comfortable more, Mr. Secretary, if we will, to change that road
3849 widening to road dedication.
3850
3851 Ms. Dwyer - So, you are not actually improving the road, you are just dedicating it.

3852
3853 Mr. Joliffe- We are dedicating the right-of-way to an ultimate 50-foot right-of-way.
3854 We will be improving the road for extra pavement and for shoulder and ditches.
3855
3856 Ms. Dwyer - So, you are improving the road, just not 10 feet of extra road.
3857
3858 Mr. Joliffe - Right.
3859
3860 Ms. Dwyer - You are dedicating 10 feet and then making other appropriate
3861 improvements.
3862
3863 Mr. Silber- If you will note on the plat, the 10 feet of road widening is dedication.
3864 That will run the entire northern side of the property, if I have my orientation right. And, it's on
3865 the other two lots, six and seven on the south side as well. So, it widens it out to a 50-foot right-
3866 of-way. There will be some widening of the existing pavement throughout the frontage of this
3867 development.
3868
3869 Mr. Zehler - Mr. Secretary, it's shown here twice, 10-foot road widening.
3870
3871 Mr. Silber - You would like for that to say dedication?
3872
3873 Mr. Zehler - Yes, please. And the applicant is in agreement with that.
3874
3875 Mr. Archer - Okay. Are there any further questions?
3876
3877 Mr. Zehler - Mr. Chairman, I move that the Glendale Meadows subdivision be approve
3878 subject to the annotations on the plans, the standard conditions, Nos. 11, 12 and No. 13 being
3879 revised.
3880
3881 Mr. Vanarsdall- Second.
3882
3883 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mr. Vanarsdall. All
3884 in favor say aye...all opposed say nay. The motion passes.
3885
3886 The Planning Commission approved the conditional subdivision for Glendale Meadows (February
3887 1998 Plan), subject to the standard conditions for subdivision not served by public utilities, the
3888 annotations on the plan and the following additional conditions. Mr. Donati was absent.
3889
3890 11. Prior to requesting recordation, the developer shall furnish a letter from Virginia Power
3891 stating that this proposed development does not conflict with its facilities.
3892 12. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
3893 maintenance of the common area by a homeowners association shall be submitted to the
3894 Planning Office for review. Such covenants and restrictions shall be in form and substance

3895 satisfactory to the County Attorney and shall be recorded prior to recordation of the
3896 subdivision plat

3897 13. Each pair of lots shall provide a single shared driveway connecting to Warriner Road, or as
3898 approved by the Director of Planning at time of final.

3899
3900 Mr. Silber - All right. The next item of business is the approval of the November 25,
3901 1997, minutes. I believe, Ms. Carver, would you help me with this, but I think you had some
3902 corrections called in to you.

3903
3904 Ms. Carver - Yes.

3905
3906 Mr. Archer - Let the record show, that I actually called in a change to the minutes.

3907
3908 Mr. Zehler - Mr. Chairman, is there a possibility that we could defer those minutes? I
3909 haven't had time to review those minutes.

3910
3911 Ms. Dwyer - No.

3912
3913 Mr. Zehler - Okay. I haven't reviewed them.

3914
3915 Ms. Dwyer - I just thought I'd be contingicious.

3916
3917 Mr. Silber - Mr. Zehler, would you like those deferred to the zoning meeting or the
3918 POD meeting?

3919
3920 Mr. Zehler - We could do it at the zoning meeting. Give me two weeks.

3921
3922 Mr. Silber - That will be the 12th of March.

3923
3924 Mr. Zehler - I have no problem with that, Mr. Chairman.

3925
3926 Ms. Dwyer - I don't have any changes, but I won't be at that meeting.

3927
3928 Mr. Zehler - And I do note that when I was walking in today Ms. Dwyer was sitting
3929 here earlier reading hers.

3930
3931 Ms. Dwyer - I was just reviewing them. I wasn't actually reading them.

3932
3933 Mr. Archer - Is there a second to that motion.

3934
3935 Mr. Vanarsdall - Second.

3936
3937 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mr. Vanarsdall to
3938 defer the November 25, 1997, minutes to the March 12 Rezoning Meeting.

3939
3940 Mr. Silber - Now, before you run off I have a couple of announcement, if I could have
3941 another minute or two of your time.
3942
3943 Mr. Archer - You, may, sir.
3944
3945 Mr. Silber - One is a reminder that on March 12, the public hearing on Non School Use
3946 of Schools begins at 6:30 p.m. Please make note of that, that is a half an hour early. Second. We
3947 would like to offer to the Planning Commission a tour and a training session of the new Board
3948 Room.
3949
3950 Mr. Archer - When is that?
3951
3952 Mr. Silber - We don't know yet. They were supposed to provide me, before the
3953 meeting was over, they were supposed to provide me a couple of dates and times. Staff, was
3954 anybody provided anything from general services? Okay.
3955
3956 Mr. Archer - This is our last meeting here, correct?
3957
3958 Mr. Silber - Yes. This is our last meeting here. Our next meeting will be in the new
3959 Board Room. I've seen it. It is very nice. The carpet is down, the chairs are in. It looks very
3960 nice. It's going to be extremely high tech. It will probably take staff several months to catch on
3961 how to use everything.
3962
3963 Ms. Dwyer - And how long will it take us?
3964
3965 Mr. Silber - A much shorter period of time.
3966
3967 Mr. Zehler - Do we have a back door, is all I want to know?
3968
3969 Mr. Silber - There is no back door, there is no trap door.
3970
3971 Ms. Dwyer - That was my one request.
3972
3973 Mr. Silber - There will only be room for seven sitting up front. Each of the seven slots
3974 will have a 21-inch computer screen that will be flush with the desktop and anything that's shown
3975 on the two screens will also show up on your monitor in front of you. Anyway, we would like to
3976 have an opportunity to walk you through and show you how it all works. This will take place
3977 next week. I don't know the dates and times, but we will call each one of you to schedule times
3978 to visit. I would like to do this in groups of no more than two Commission members. If we
3979 exceed that we will need to advise the media as it would be a public meeting. So, no more than
3980 two at a time. Those are all of the announcements I have.
3981
3982 Mr. Zehler - I move we adjourn.

3983
3984 Mr. Vanarsdall - Second.
3985
3986 Mr. Archer - The meeting is adjourned.
3987
3988 On a motion by Mr. Zehler and seconded by Mr. Vanarsdall, the Planning Commission adjourned
3989 its February 24, 1998, meeting at 1:55 p.m.
3990
3991
3992
3993 _____
3994 C. W. Archer, C.P.C. Chairman
3995
3996
3997 _____
Randall R. Silber, Secretary